



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

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

Application Number: 3007154
Applicant Name: Tonkin Hoyne Lokan for Seattle Housing Authority
Address of Proposal: 4626 Martin Luther King Jr. Way South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story structure with 83 residential units, three live-work units and 8,333 sq. ft. of retail space at ground level. Surface parking for 24 vehicles to be provided.

The following approvals are required:

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

Design Review, Chapter 23.41, Seattle Municipal Code (SMC). Design Development Standard Departures.

1. Lowrise 4, Rear Setback SMC 23.45.014B

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

BACKGROUND DATA

The 45,610 square foot site is located along the east side of Martin Luther King Jr. Way South (MLK) within the Seattle Housing Authority's (SHA) Rainier Vista housing development between S. Oregon Street and S. Alaska Street. The site is comprised of three zones- Neighborhood Commercial 1 zone with a 40 foot height limit (NC1-40) on the northern portion of the site, the same zoning with a pedestrian overlay on the south portion of the site and Lowrise 4 with a residential commercial (L-4/RC) overlay near the eastern boundary.

Martin Luther King Jr. Way South is a four lane arterial street and includes light rail transit service in the center median. The South Edmunds light rail station will be located about 1 block south of the project just south of South Alaska Street. South Oregon Street is proposed to be a two lane road with a wide planted median.

Surrounding property along MLK is zoned NC1-40. Property to the north will be developed with a 2-story Boys and Girls Club; property to the south will likely be developed with a 4-story mixed use building; property to the east is zoned Lowrise 4 with a residential commercial overlay and will be developed with the Boys and Girls Club ball field; property to the west across MLK is zoned NC2-40 and is developed with a 4-story senior's housing building (Gamelin House).

Demolition and grading is currently taking place on the site in preparation for phase II and III development associated with the Rainier Vista redevelopment.

Related Actions

A Street Vacation petition (Clerk File 307939) to vacate a portion of 31st Avenue South, South Snoqualmie Street, Alleys "U", "W", and "X" in the southeast quadrant has been conditionally approved by City Council. The vacation included numerous conditions which are provided at the end of this document for reference.

A Land Use Action for an alteration of subdivision (approved under Project No. 2000638) to blocks 27 through 54 (east side of Martin Luther King Jr. Way S.) of the New Rainier Vista plat was approved by the Hearing Examiner on July 11, 2007. The plat alteration includes revisions to lot lines, easements and plat conditions (regarding Boys and Girls Club location). The final plat is pending approval with Seattle Department of Transportation and City Council.

There are numerous building permits under review for SHA rental housing and for sale developments throughout the Rainier Vista redevelopment. A grading permit (#6114199) for major grading and drainage for the entire redevelopment is active in that work is on-going at the project site.

Project Description

The proposed project is to construct a 4-story building containing approximately 10,900 square feet of retail space (including 3 live/work units) and 86 dwelling units. Covered parking for 24 vehicles would be provided behind the ground level retail for use by retail customers as well as the larger family dwelling units. Most units are proposed to be for low income persons with 51 units for extremely low income persons and 32 units designed as workforce units. The project will also provide 3 live/work units that are meant to provide space for both living and working.

As a condition of an earlier street vacation, the project will include a public plaza and children's play area on the north end of the site between the project and the Boys and Girls Club building. Conditions also require a pedestrian walkway adjacent to the ball field on the east side of the site and a combined pedestrian and vehicular access on the south end of the site. The design for the south pedestrian/vehicular access is designed as a "woonerf" type street.

Public Comment

Public notice was provided for the Design Review meetings that were held by the Southeast Seattle Design Review Board (DRB) for Early Design Guidance (EDG) and for Recommendation meetings. Additional comment opportunities were provided at the time of Master Use Permit application.

Public notice was provided for the EDG meeting and no public comments were received at that meeting.

Further notice and public comment opportunity was provided as required with the Master Use Permit application. No comments were received.

Public notice of the design review recommendation meeting on May 13, 2008 was provided. Four members of the public attended the recommendation meeting and made comments. The comments made were:

- A desire for more balconies to provide space for people as well as to break down the scale of the façade.
- A desire for a grocery store at this location.
- A desire to reduce blank wall with murals or art.

Public notice of the design review recommendation meeting on June 10, 2008 was provided. No comments were received at the meeting.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and Citywide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" (1998).

A. Site Planning

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.

A-2 Streetscape Compatibility

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

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

A-6 Transition Between Residence and Street

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

A-7 Residential Open Space

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

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board appreciated the preferred design development option (Option 3) because it provides opportunity to wrap the retail uses around to the south and north facades, and the potential scale of the mass can better relate to the playground and ball field. The Board wants to see the design relate to playground and the ball field by providing stoops and residential entries as presented.

The Board wants the courtyard to better relate to the playground, the ball field and to orient the space so that it gets better sunlight. The Board felt the current design for the courtyard space was not well connected to the outside and internally focused which could result in undesirable space.

The Board wants the design to address its proximity to the ball field in that stray baseballs will likely hit the building.

The Board is supportive of the “woonerf” concept but needs to see more information on the intended design character of this space at the next meeting. The Board noted that how the “woonerf” terminates at the ball field is important, and that the garbage area needs to be moved. The Board wants uses within the building to spill into the “woonerf” as presented.

C. Architectural Elements and Materials

C-1 Architectural Context

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

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board had concerns about the building mass shown over a portion of the surface parking in that they felt its' location was awkward. Units above the parking would be looking down into a portion of the parking lot but other units would not have a view of the parking. Sight lines into the parking lot would be interrupted by the building mass. They noted that the shadows would be cast from the southern mass onto the courtyard and on the southern facing windows. The Board wants this building mass to be better integrated with the design and wants the architect to study other options in light of the concerns discussed.

The Board wants the long façade along MLK to be well articulated and the scale reduced similar to some good examples found along this corridor (Genesee Housing).

The Board wants the NE corner of the mass to reflect the less intense zone to the east and to provide relief for the play area.

The Board wants the residential entry broadened to enhance the view through the building towards the ball field.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-4 Design of Parking Lots Near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot sign and equipment.

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

The visibility of parking garage and dumpster, utilities and service should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

D-7 Personal Safety and Security

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

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 evening hours.

D-12 Residential Entries and Transitions

For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians.

The Board wants the narrow connecting elements of the building to be enlarged or reconfigured to eliminate safety and security concerns.

The Board emphasized that having “eyes on the street” is an important goal for this project because of the public spaces on all four sides of the project. The Board thought that the small mass over the parking area reduced opportunity for having “eyes on the street” as described under the Architectural Elements section.

The Board wants to see concepts for commercial signage and lighting at the next meeting.

The garbage/recycling area was shown at the terminus of the “woonerf”. The Board wants the location of the garbage/recycling area to be moved within the parking area and or outside of view.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

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 yard, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas and boulevards.

The Board wants to see more design development of the proposed play area being developed jointly by the Boys and Girls Club and SHA. The Board wants the play area to better connect to this project perhaps by providing a second southern entrance to the play area. The plaza and the play area need to be integrated with this project as well as serve its purpose for the Boys and Girls Club.

The Board wants to be informed of how SHA and Boys and Girls Club agree to operate and maintain the play area, walkway adjacent to the ball field and the “woonerf”.

The Board feels there is a lot of opportunity for landscaping and green space that was not presented.

Summary of Design Review Board Initial Recommendations

The applicant applied for the MUP (Master Use Permit) on December 18, 2007. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on May 13, 2008 to review the project design and provide recommendations. The five Design Review Board members present considered the site and context, the public comments, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. The Board concluded that most design guideline priorities were met, but focused on several key issues that they wanted to see resolved at a future recommendation meeting:

- A more unified façade on Martin Luther King Jr. Way South (C-2 Architectural Concept and Consistency)
- More detail on finish materials and colors (C-4 Exterior Finish Materials)
- Better designed live/work spaces to encourage commercial development and transparency (D-11 Commercial Transparency)
- Better articulation of the residential entry (C-2 Architectural Concept and Consistency)

The Board spent considerable time and effort deliberating on the MLK façade. The Board appreciated the effort to create distinct building elements but felt this concept needed to be more self evident, and the Board wants to see a more unified building (C-2 Architectural Concept and Consistency). The Board suggested better integration between the base and the upper floors and the building elements to one another. Suggestions included varying the parapet heights and bringing the storefront window system down to the ground perhaps at the live/work units. Emphasis could be placed on the unifying elements like window type, deck railings, etc. The

Board felt the small pieces worked towards breaking down the scale but did not come together as one bigger element. A better depiction needs to be provided with respect to how the materials are joined together. For instance, the panel siding on the south building element is proposed to have exposed seams whereas the panels on the live/work building element are not; however, this was not self evident in the presentation material.

The Board expressed concern about the design of the live/work units in that they did not seem to encourage non-residential use and could result in drawn blinds or curtains (D-11 Commercial Transparency). The Board acknowledged that this result could not be directly controlled; however, the Board expects a design response at the next meeting. Suggestions included creating room for displays in the storefront or a better separation between the live and work spaces.

The Board appreciated the distinct residential entry; however, they felt that the entry design needs to better relate to the building elements flanking it and to the upper floors (C-2 Architectural Concept and Consistency). Suggestions included eliminating the glazing looking through to the elevator core and better aligning the columns and door at the base with the bay above.

The Board wants to see more detail on the finish material and color, samples must be provided. The Board had questions about the proposed metal mesh on the north portion of the façade. A sample of this product and how it will be used on the façade must be shown at the next meeting. The Board had similar comments about the proposed green screen, balcony railings and canopies so ideally a sample or more clear depiction of these materials should be provided at the next meeting.

Comments were made about the window size as compared to the balcony proposed especially on the east elevation. The Board was concerned that the floor level of the balcony could not be reached through a window and suggested a full height window or slider door (A-7 Residential Open Space). The Board wants to know the size of the proposed balconies so the graphics need to provide dimensions.

The Board expressed concern about the northeast corner retail entry in that it looked squashed in the perspective. The Board asked that the column be lightened up assuming the perspective shown accurately represents a true view.

The Board felt the mass and scale of the NE corner complemented the less intense zone and uses and that the guideline priority was met (C-1 Architectural Context and A-1 Responding to Site characteristics). The Board felt the design of the townhouse units with stoops and entries adjacent to the playground/plaza and the ball field related well to those open spaces. The stoops, landscaping and walkway creates a good transition from the ball field; however, the Board expressed some concern about the hard edge along the eastern sidewalk. The Board would like to see the space enhanced with seating along the walk, landscaping along the ball field fence edge and/or a meandering walkway (A-6 Transition Between Residence and Street E-3 Landscape Design to Address Special Site Conditions). One Board member described this as a way to “bleed the experience”.

The Board felt the woonerf design met the intent of the guidelines in that the retail space spills out onto the space as requested (D-1 Pedestrian Open Spaces and Entrances). The Board was pleased that the design allows retail to wrap around both the corners which the Board strongly supports. They appreciated that the pedestrian and drive space was essentially at the same elevation, finished with the same color and surface and that there was modest separation in the form of bollards defining the pedestrian vs. auto spaces. The garbage area has been internalized so the terminus of the woonerf does not have a garbage area in the sight line (D-6 Screening of Dumpsters, Utilities and Service Areas).

The Board was satisfied with how the building mass over the parking shifted to the south letting in more light to the internal courtyard and resulted in a stronger edge on the south side. The program within the courtyard and who it will serve was explained, and the Board was satisfied with the explanation. The Board concluded that previous guidance to better relate or connect the courtyard to the outside is not applicable because it will only be serving the abutting units.

The Board appreciated the design response to cant the windows and provide landscaping at the connection elements between the building wings. The angled windows will enhance personal safety and security by providing more “eyes on the street” (D-7 Personal Safety and Security).

The Board appreciated the play area and north plaza “ripple” design. The applicant adequately explained that SHA will control the play area. A second entry into the play area that better connects to this project is proposed (E-2 Landscaping to Enhance the Building and/or site). The Board did comment that there seemed to be a lot of hardscape and wished that the amount could be reduced especially near the boundary of the Boys and Girls Club site and the NE portion of the site.

The Board was pleased that the green factor requirements are met and that no departure was requested.

Summary of Design Review Board Final Recommendations

The Design Review Board met on June 10, 2008 to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the previously identified design guideline priorities, the initial recommendations, and reviewed the drawings presented by the applicant.

The Board focused on the key issues that were identified at the initial recommendation meeting. The Board thought the design evolved well and that the applicant responded to guidance; however, several recommendations were made as discussed below.

For clarification on building colors and finish colors, the MLK façade consists of 5 building elements from north to south as follows, building 1) vertical metal siding in cool parchment (rendered as grey) and cementitious panel siding in roycroft copper red accent with metal screen and storefront with red panel, building 2) the “live/work building” horizontal cementitious siding in smokehouse (rendered green) and cementitious panel in mannered gold accent with wood sunshade and parapet, building 3) residential entry with aluminum storefront, metal sunshade and vertical metal siding in red, building 4) horizontal cementitious siding in connected gray (rendered

light green) and vertical metal siding in cool parchment., building 5)vertical metal siding in cool parchment, horizontal cementitious siding in smokehouse, cementitious panel siding in roycroft copper red, canvas awnings, metal planter boxes and metal sunshade.

The Board focused on the MLK façade and felt the design concept of creating differing building elements was self-evident, the building was more unified and the elements more integrated. The Board had concerns about points on the MLK façade that denoted a change in building materials and building expression but did not align with physical changes in the façade. The Board recommended that the boundary between the most northerly building element (building 1) and the live/work building element (building 2) needed to be more distinct in that the proposed design shows the two materials in plane with no strong reveal. This area can also be described as the area where vertical metal siding meets horizontal and panel cementitious siding. The Board recommends a more distinct seam that is either consists of a physical plane change or a perceived plane change in an effort to create a beginning and ending. The Board suggested changing the unit layouts (flip the 2 bedroom unit so modulation is on south side) to create modulation at the change in finish materials, creating a physical plane change (at least 6" suggested) or increasing the green building façade so that the material change occurs where modulation occurs.

The Board had similar concerns about the change in building elements and finish materials on the two southerly building elements in that the change occurs but no physical or perceived physical change occurs. The Board recommended that a stronger more distinct joint be provided just south of section 3. The Board suggested a 2 inch reveal would be appropriate. Also at section 3, the Board recommended that the applicant explore covering the horizontal concrete band over the storefront in that they felt it was an awkward expression in that the concrete flanking the storefront is proposed to be covered with horizontal siding and would appear to look as an add-on.

The Board directed DPD to ensure that the storefront system including the panels at bulkhead and transom wrap to the north façade in that the graphics do not clearly denote this concept. The Board asked the applicant to explore bringing the storefront window system down to the ground at the live/work units to better express the non-residential nature of the spaces and allow more opportunity to open up the spaces to the sidewalk.

The Board appreciated the idea that the balcony design matched the different building themes, but felt that this needed to be consistent all around the building. The interior facades did not continue this theme but the Board recommended that this design idea be continued on all facades.

The Board felt that the rear entry on the east elevation and the common rooms above needed to be surrounded with the same cladding material to denote the more public function versus the private units that are also on that façade. The Board also felt that the same cladding at the entry and common rooms would create the perception of a grander, 3-story impression of entry as compared to 1 story and would relate better to the grand entry on the MLK façade.

The Board had concerns that the façade details be consistent. The Board recommended that the sun shade elements be either closed or open but not a combination of the two.

The Board was concerned about the transition and the rigidity of the walkway on the east property line adjacent to the ball field. The Board appreciates the response to add benches and 2 ft. by 2 ft. ground cover, but recommended that the 2 by 2 areas include durable plant material in that they would likely be trampled and not survive. The Board recommended that these spaces contain a tree, light post, bollard of other feature along with the durable plant material to strengthen these areas.

With respect to the live/work units, the Board felt the design response met their guidance in that the interior space was reconfigured by changing the kitchen layout to allow more non-residential space and provide opportunities for loft storage.

With respect to the residential entry on MLK, the Board felt the design response met their guidance by refining the articulation and alignment of the base and upper floors.

With respect to the finish materials and color, the Board felt the exhibits provided them with a better understanding of the colors and finish materials proposed.

With respect to the balconies, the Board felt the design response met their guidance by aligning the window type with the balcony floor level.

Summary of Departures from Development Standards

The applicant identified potential departures from the following Land Use Code development standards:

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant Justifications/Board Comments</i>
SMC 23.45.014B Rear Setback. Lowrise 4- 15 feet. Zero to 1 foot of structure could encroach into the L-4 portion of the site because the L-4 property is between 14 and 16 feet in width and the minimum setback is 15 feet.	7 foot 6 inches	The site was unintentionally split zoned in that the lot line does not align with the zoning boundary. There is a small portion (14-16 feet wide) along the eastern edge of the site that is zoned L-4/RC. The Board recommended granting this departure. The Board concluded that the design provides a good transition along the eastern edge by proposing landscaping and residential entry stoops and porches. The Board initially recommended that the walkway design along the east property line be enhanced to soften that edge. The design includes benches and more ground cover to break up the rigidity of the walkway. The Board recommended that these spaces contain a tree, light post, bollard of other feature along with the durable plant material to strengthen these areas.

Recommended Conditions

1. The Board recommended that the boundary between the most northerly building element and the live/work building element needed to be more distinct in that the proposed design shows the two materials in plane with no strong reveal. The Board suggested changing the unit layouts (flip the 2 bedroom unit so modulation is on south side) to create modulation at the change in finish materials, creating a physical plane change (at least 6" suggested) or increasing the green colored building façade so that the material change occurs where modulation occurs.
2. The Board recommended that a stronger more distinct joint be provided between building 4 and building 5. The Board suggested a 2 inch reveal would be appropriate.
3. The Board recommended on the building 4 façade, that the applicant explore covering the horizontal concrete band over the storefront in that they felt it was an awkward expression in that the concrete flanking the storefront is proposed to be covered with horizontal siding and would appear to look as an add-on.
4. The Board recommended that the storefront system including the panels at bulkhead and transom wrap to the north façade.
5. The Board asked the applicant to explore bringing the storefront window system down to the ground at the live/work units to better express the non-residential nature of the spaces and allow more opportunity to open up the spaces to the sidewalk.
6. The Board recommended that the design theme of the distinct balconies for each building on the MLK façade be continued on all facades.
7. The Board recommends that the rear entry on the east elevation and the common rooms above need to be surrounded with the same cladding material to denote the more public function versus the private units that are also on that façade.
8. The Board recommended that the sun shade elements be either closed or open but not a combination of the two.
9. The Board recommended that the 2' by 2' ground cover areas along the east walkway include durable plant material in that they would likely be trampled and not survive. The Board recommended that these spaces contain a tree, light post, bollard of other feature along with the durable plant material to strengthen these areas.

Director's Analysis

The Director concurs with the Design Review Board's recommendation to approve the proposed design with the above conditions. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED** based on the proposal as presented before the Design Review Board on May 13, 2008 and June 10, 2008.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 17, 2007 and annotated by the Department. 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 SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation*". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

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, Plants and Animals and Shadows on Open Spaces). 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 grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; increases in carbon dioxide and other greenhouse gas emissions 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. The Environmentally Critical Areas (ECA) ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA's with identified geologic hazards. 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, some impacts warrant further discussion.

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. The surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. Additionally DPD will evaluate other requests on a case by case basis to allow for emergencies, special construction activities (like continuous concrete pours), safety, or street-use related situations that warrant work outside of the construction hours.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increases in carbon dioxide and other greenhouse gas emissions and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other

development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”*

Surrounding property is zoned NC1-40, the same as most of the subject parcel except to the east which is zoned L-4/RC. The property to the east will be developed with the Boys and Girls Club ball field. The proposed project will provide a transition in scale by the creation of townhouse-like units with stoops and lower height along the east elevation.

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Additionally, design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Traffic and Parking

The project consists of 83 dwelling units which will be owned by SHA and be for low income persons and 3 live/work units. The proposed project will provide parking for 24 vehicles and the quantity required by code is zero because of its proximity to the light rail station. It has not been determined how the parking will be managed, but it is expected that most parking spaces will be dedicated to the retail customers and the remaining parking for the larger units in the building.

The Land Use Code was recently revised so that no off-street parking is required for residential projects within station area overlay zones. This code requirement is more consistent with City policy which states goals for reducing dependence on the automobile and reducing green house gases and resident's carbon footprint. Policy particularly focuses on the reduction of vehicle trips within urban centers and around light rail stations. Policy does recognize that travel behavior will not change overnight and that moving people from cars to other forms of transit will take time.

Demand for parking will not likely be met on-site but will spillover onto the streets. The average parking demand per unit for an apartment (Low/Mid-rise Apartment) based on the Institute of Transportation Engineers, Parking Generation 3rd Edition in an urban location is 1 parking space per unit; however, this is a unique project. The site is located about 1 block from a light rail station and the residents will be low income persons. Based on experience with similar applications, DPD has found that low income people do not have high vehicle ownership rates. Based on these two factors, it is likely that residents of this project will have parking demands of less than 1 space per unit. However, there will be an impact on street parking in that conservative estimates show that more than 60 vehicles would need to utilize street parking.

The streets are not yet built and no housing has been built east of MLK within the Rainer Vista SHA community. In light of that, it is unknown what the street parking utilization rates will ultimately be in the general vicinity. This project is unique in that most of the proposed housing (401 units east of MLK) in the immediate area are controlled by SHA; therefore, parking impacts can be managed by SHA to some extent. Applicants for housing must be screened by SHA before placing them in low income housing so potential residents will be notified of the available or lack of available parking on the street and off-street. No mitigation for parking impacts is necessary at this time; however, demand management strategies and/or other mitigation may be necessary in the future depending upon future demands and available parking.

The vehicle trips generated from the proposed building are not expected to have adverse impact on traffic conditions or reduce the level of service at nearby intersections. This project will be located within walking distance to the Edmunds Light Rail Station which should lessen the need to for tenants to own vehicles. The vehicle trips generated from the project are not expected to have adverse impacts on the street network.

Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

The applicant shall revise the plans:

1. Revise the design to make the boundary between the most northerly building element and the live/work building element more distinct in that the proposed design shows the two finish materials in the same plane with no strong reveal. (C-2 Architectural Concept and Consistency, C-3 Human Scale and C-5 Exterior Finish Materials.)
2. Design a more distinct joint between building 4 and building 5. The Board suggested a 2 inch reveal would be appropriate. (C-2 Architectural Concept and Consistency, C-3 Human Scale and C-5 Exterior Finish Materials.)
3. On building 4 façade, explore covering the horizontal concrete band over the storefront. (C-2 Architectural Concept and Consistency, C-3 Human Scale and C-5 Exterior Finish Materials.)
4. Provide the same storefront system including the panels at bulkhead and transom to wrap along the north façade retail. (C-2 Architectural Concept and Consistency, C-5 Exterior Finish Materials.)
5. Explore bringing the storefront window system closer to ground level at the live/work units to better express the non-residential nature of the spaces and allow more opportunity to open up the spaces to the sidewalk. (D-11 Commercial Transparency)
6. Provide the same design theme of distinct balconies for each building on the MLK façade be continued on all facades. (C-2 Architectural Concept and Consistency, C-5 Exterior Finish Materials.)
7. Design the rear entry on the east elevation to be more indefinable and publicly visible by creating more of a 3-story expression. (C-2 Architectural Concept and Consistency, C-3 Human Scale and C-5 Exterior Finish Materials.)
8. Design the sun shade elements to be either closed or open but not a combination of the two. This applies to each building element or expression not the entire project. (C-2 Architectural Concept and Consistency)
9. Soften the east walkway by including pedestrian amenities and/or landscape to break up the rigidity of the walkway (E-2 Landscaping to Enhance the Building and/or Site).

Prior to the Final Certificate of Occupancy

10. Install or construct the features described in conditions 1 above.
11. Compliance with the approved design features and elements, including exterior finish materials, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Bob McElhose 206-386-9745). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

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.

12. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays² from 7am to 6pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic powered equipment may be allowed on Saturdays between 9am and 6pm, 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 by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

²New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

For Reference Only - Street Vacation Conditions (Clerk File 307939)

The City Council hereby grant approval of the petition of the Seattle Housing Authority (SHA) for the vacation of the following streets and alleys:

- **31st Avenue South**, from the south margin of South Oregon Street southwesterly to its terminus;

- **South Snoqualmie Street**, between 31st Avenue South and Martin Luther King Jr. Way South;
- **Alley U**, between 31st Avenue South and Martin Luther King Jr. Way South;
- **Alley W**, from Alley U to South Snoqualmie Street, and;
- **Alley X** between South Snoqualmie Street and 31st Avenue South.

These streets and alleys lie within the New Rainier Vista Plat, located between South Oregon Street and South Alaska Street, Martin Luther King Jr. Way South and Renton Avenue S. in Southeast Seattle.

The vacation is granted contingent upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate, to the satisfaction of the City, that all conditions imposed by the City Council have been satisfied, the vacation fee and any other fees have been paid, and all documentation completed, prior to the passage of the street vacation ordinance.

Conditions:

1. The vacation is granted to allow the petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in July and August of 2007. The project shall be developed following the Design Guidelines and shall include the required public benefit elements.
2. All street improvements shall be designed to City standards and be reviewed and approved by Seattle Department of Transportation (SDOT); including ingress and egress, turning movements to access the building, service, loading and drop-off areas, signage, street trees, landscaping and other elements of the street improvement plan. Specific issues to be addressed include:
 - The sidewalk, street trees, and street lighting design along Martin Luther King Jr. Way S. shall conform to the approved plans for Central Link Light Rail Contract 753 construction. The Petitioner must obtain SDOT approval prior to implementing any revisions or deviations to the approved plans.
 - SHA shall continue with the Tree Preservation and Landscaping plan, as previously approved.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the petitioner. Utilities impacted include:
 - Seattle City Light; and
 - Seattle Public Utilities; including resolution with the Seattle School District or an alternative acceptable to Seattle Public Utilities.

