



**City of Seattle**

Gregory J. Nickels, Mayor

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**Department of Planning and Development**

D. M. Sugimura, Director

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

**Project Number:** 3008741  
**Applicant Name:** Robert Leykam, Mithun Architects for Unico Properties  
**Address of Proposal:** 1701 Dexter Avenue N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four-story building containing four live/work units at ground level and 62 residential units above in an environmentally critical area. Partially below-grade parking for 50 vehicles will be provided within the structure and parking for 10 vehicles will be provided at grade off the alley. Project includes 8,500 cubic yards of grading. Two existing structures on the site will be demolished.

*The residential portions of the proposed structure will consist of wood-frame, factory-built modules which will be constructed in a factory, then shipped and assembled on site.*

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC), involving design departures from the following Land Use code development standards:

- 1) SMC 23.47A.032: To allow street as well as alley access to on-site parking
- 2) SMC 23.47A.029: To substitute an enclosed, fenced-in enclosure for garbage and recycle bins for a waste and recycle storage room.

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

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

[X] DNS with conditions

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

## **BACKGROUND INFORMATION:**

The site consists of two platted parcels and totals 16,231 square feet in area. The mid-block site is bounded on the east by Dexter Avenue N. and by an alley on the west. A mixed-use, residential structure is currently under construction along the north property line. An existing structure containing light-industrial uses abuts the south property line of the development site. The site measures approximately 160 feet in the north/south direction and 106 feet in the east/west direction. The site slopes downwards approximately 25 feet between the alley and the sidewalk at Dexter Avenue N.

The zoning is Neighborhood Commercial 3 with a 40-foot height limit (NC3-40).



The site is within both the 40% Steep Slope and Potential Slide Environmentally Critical Areas. Currently there are 3-story and 2-story wood-frame structures located on the north half of the site that are proposed to be demolished. Properties to the north and south of the site are also zoned NC3-40. Properties to the west are zoned C1-65. Properties to the east are zoned L-3. Surrounding uses include general commercial, retail, and single-family and multi-family residential uses.

The proposed development is for a terraced, four-story commercial/residential building with the ground floor occupied by live/work units. Sixty two residential units are proposed for the upper floors. Parking for 10 vehicles will be at alley grade (8 under the proposed structure), with parking for an additional 50 vehicles located subterranean and accessed from Dexter Avenue N.

It is the intent of the development team to construct on site a concrete plinth containing a parking garage and live/work units facings onto Dexter Avenue N. The upper, residential floors would be comprised of wood-frame factory-built modules that would be delivered and assembled in a multi-level configuration above the site-built concrete plinth.

## **Public Comments**

One comment letter was received during the public comment period that began on July 10, 2208, and ended on July 23, 2008. Public comments from the two Design Review public meetings are noted within the Design Review process summaries which follow.

## **ANALYSIS—DESIGN REVIEW**

The project was the subject of an Early Design Guidance Meeting conducted on April 30, 2008. Following the MUP application, the proposal was brought before the Area 3 Design Review Board for its recommendation on August 6, 2008. On that date, in addition to recommending approval of the overall design as proposed, the Board recommended approval of two requested departures from development standards.

## **Early Design Guidance**

### **ARCHITECTS' PRESENTATION**

The presentation by the development team began with brief comments from Robert Miranda of Unico Properties, the project's developer, indicating the intention to develop a project that would provide attractive modern, "green," market-rate housing that would cause less disruption for the neighborhood since the duration of on-site construction disturbance would be substantially reduced. The project was described as the first larger-scale residential and mixed-use building in Seattle utilizing pre-fabricated modules.

The design team, made up of HyBrid/Seattle and Mithun architectural firms, was represented by Rob Humble of HyBrid who made the substantive presentation to the Board. The presentation began with an analysis of the immediate vicinity and development site. Three alternate massing models or schemes for the site were then briefly presented to the Board. The first option established two terraced bars of residential units from the alley which stepped down to two distinct masses at the street front which were separated by a centered green space that divided them. While this scheme maximized the density of the site, it was described as providing no real community space for the residents, lacking in view corridors and saddled with dark interior corridors between the units. A series of live/work units at street level punctuated the east-facing façade.

The second option differed from the first primarily by providing residential units running parallel to Dexter Avenue N. in three long bars, with live/work units again at the sidewalk level. A narrow green strip of landscaping separated the front bar of units from the uphill units. While this configuration allowed for increased standardization of modules, it presented an imposing, monolithic face to the street and lacked a centripetal interior green space for the residents.

The preferred third option showed a central entry and central courtyard that provided a continuous visual opening through the site that aligned with the opening of Hayes Street across Dexter Avenue N. A six-foot deep recess storefront galley provided a transition between the sidewalk and the live/work units and allowed for an at-grade, accessible approach to the units from the higher grade of the sidewalk at the north end of the site.

### **Public Comments:**

- There was limited public comment regarding the proposal, other than acknowledgement that the development embraced a set of laudable goals. One member of the public, owner and developer of the property immediately to the north, expressed concern regarding the proximity of the proposed garage entry to his project. He noted that his own development took all parking access from the alley. He requested that access to the proposed development, was it to take access from Dexter Avenue N. rather than from the alley, should be from a location further to the south, away from his own project.

### **Board's Deliberations:**

Having asked their own qualifying questions regarding details of the proposal and having heard public comments, the three members of the Board began their deliberations, commenting on those guidelines that were of highest importance for the project. The Board complimented the

development team on its thoughtful presentation. The Board noted that they agreed that the applicant's preferred proposal was generally appropriate for the neighborhood and the site.

Among the major issues singled out by the Board were the following:

- The driveway in and out of the subterranean garage did appear to crowd the neighbor to the north; invariably it would disrupt pedestrian traffic along the sidewalk; it posed a potential safety hazard for southbound bicyclists descending Dexter Avenue N., if not for vehicular traffic. Since access from the street would require the Board's recommendation of granting a Design Departure, the Board wanted to see the applicant address more fully issues of appropriateness, functionality and safety. One area of investigation should be studies showing how a single lane in-and-out driveway might better serve the parking garage should a departure be recommended for allowing parking access off Dexter Avenue N.
- An issue related to the garage access was that of dealing with, trash, garbage and recycling materials; servicing the pick-up of these byproducts of residential living would appear to work better from the alley than from the Dexter Avenue N.
- The live/work units need to be of sufficient size and any diminution of the size of these units through a request for design departures would not be regarded favorably. This caution was equally applicable to both the height and the depth of the provided units. In general the design should emphasize the "work" rather than the "live" nature of these street-front units.
- Since much had been made of promoting alternative modes of transportation for the residents within these units, the design development of the Dexter Avenue N. façade and adjoining streetscape should look for ways to incorporate the bus stop into the architecture.

After visiting the site, considering the analysis of the site and context provided by the proponents, hearing public comment, and addressing their major concerns regarding the proposal, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings* of highest priority to this project.

## **DESIGN GUIDELINES**

### ***A Site Planning***

#### ***A-1 Responding to Site Characteristic***

***The siting of buildings should respond to specific size conditions and opportunities such as unusual topography views and 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 deigned to encourage human activity on the street***

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

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

The guidelines above were all chosen by the Board to be of high priority. The units appropriately stepped up the hillside to accommodate significant changes in site elevation. Human activity on the street should be promoted by the interface of sidewalk and the live/work units. Providing for vehicles entering and leaving the site should not interfere or diminish in any way the desired goal of enlivening the street. Guideline A-7 was cited to re-enforce the Board's acknowledgement that the proposed inner courtyard with lush landscaping should continue to be developed as an attractive and vital space for the residents of the project.

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

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

The Board acknowledged that the overall massing of the project as shown in the preferred option seemed right for the setting and context. The interface of the live/work units and their access pathway with the residential entry and the public sidewalk should be finer tuned and should demonstrate a proper scale for clear interaction with the fronting sidewalk and public realm.

***C Architectural Elements and Materials***

***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.***

***C-3 Human Scale***

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

The Board noted that the project should explore opportunities to achieve a good human scale, especially as it informs the specific ways the live/work units address and provide for a transition to the sidewalk.

***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, patterns, or lend themselves to a high quality of detailing are encouraged.***

Architectural materials scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board was not prescriptive regarding materials, but would expect to see a choice of durable and sustainable materials and to be presented with samples of both proposed colors and materials at the subsequent recommendation meeting. The modular development, the first of its kind and size, will be setting the precedent and establishing the desirable characteristics for other developments to follow.

## ***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-6 Screening of Dumpsters, Utilities and Service Areas***

***Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.***

### ***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 provide for a visually interesting street front for the pedestrian. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other element.***

The Board thought the opening into the building aligned opposite the Hayes Street intersection was a desirable feature of the proposal as was the courtyard located at a higher level at the heart of the project. Service functions they thought should be relegated to the alley. Serious attention should be given so as not to provide too much physical or psychological separation of the live/work units from the sidewalk. Such would be detrimental to the commercial functioning of these spaces. Expression should be given to clear path-finding details and to appropriate lighting and, in particular, signage.

The design team should provide studies of the proposed pedestrian environment along the street. The applicant should be prepared to present details for a variety of streetscape and pedestrian pathway amenities, including appropriate lighting, overhead weather protection, signage and other elements calculated to generate a friendly and lively environment.

## ***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. Should reinforce the character of neighborhood properties and abutting streetscape.***

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable interior open space. The design should incorporate specific treatments to provide for an attractive transition between the sidewalk and the live/work units. The Board would expect to see a comprehensive Landscape Plan, one that treats not only any on-site open space but the street's edge as well.

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

The design team noted that it had identified three departures from design standards:

- Access to parking from Dexter Avenue N. as well as from the alley (SMC 23.47A.032—would require access from the alley only);
- Live/work units less than 30 feet in depth (SMC 23.47A.008 B3a—non-residential uses at street level must extend at least an average of 30 feet and a minimum of 15 feet in depth from the street-level street-facing façade);
- Height of the live/work units less than 13 feet floor-to-floor height (SMC 23.47A. 008 B3b—requires 13 feet).

In identifying these departures from design standards, the design team noted that further design development might allow them to drop the requests for the latter two departures since these might no longer be needed for the preferred option. The Board noted that they would not be favorably disposed to granting these departures since in their view the diminution of the live/work areas would adversely affect their intended functioning. A slight lowering of the floor-to-floor height of the northernmost of the live/work units to provide for accessibility access, however, might be acceptable. The Board noted that they would be willing to entertain the granting of the request for the first departure, provided the project proceeded along the promising direction indicated at this schematic stage of design and provided the design responded to the guidelines as set forth as being of highest priority for the success of the project as well as to the other provisions provided in their guidance. In particular the applicant must modify the garage entry to stand further to the south of the north property line, investigate narrowing the driveway, even to becoming a single aisle, and demonstrate to the Board that the routine functioning of the driveway and parking entrance would not severely adversely impact pedestrian comfort or negatively impact bicycle or vehicular safety along Dexter Avenue N.

At the meeting, staff noted that additional design departures might be needed to construct the structure as presented as the preferred option at the Early Design Guidance meeting. These would include:

- A departure from the requirement that 60 percent of the street-level, street-facing façade be transparent between 2 and 8 feet above the sidewalk (SMC 23.47A.008 B2 a), and
- A departure from sight triangle requirements (SMC 23.54.030G).

It should also be noted that a need for additional design departures might be discovered during zoning review which would occur after MUP submittal.

It was the expectation of the Design Review Board and DPD that the applicant proceed to further design development, which includes a demonstrable response to the guidelines and guidance noted above, and to a Master Use Permit application. Subsequent to a successful application, and with design departure requests clearly identified, the proposal was returned to the Design review Board for a Recommendation of Approval meeting.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design according to the Design Review Board's guidance and applied for a Master Use Permit with a design review component on June 3, 2008. The application was deemed complete on June 19, 2008, and a Notice of Application was published on July 10, 2008. The required public comment period ended July 24, 2008.

### **Recommendation Meeting, August 6, 2008**

The Design Review Board conducted one properly-noticed Recommendation Meeting on August 6, 2008 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, proposed exterior materials, and landscaping plans were presented for the Board members' consideration.

### **Architect's Presentation**

As at the earlier presentation to the Design Review Board, the presentation began with a brief statement of design goals and an analysis of the immediate vicinity and development site by the design team, made up of HyBrid/Seattle and Mithun architectural firms, with landscape design by Atelier PS. Among the design opportunities cited were the reduction of the environmental imprint of building construction given the use of modular housing units, provision for high value, mid-income, in-close in-city housing, and exploitation of potentially grand views of Lake Union which is located due east of the project. The basic scheme presented was that presented at the Early Design Guidance meeting as the preferred scheme, showing three stories of residential units above a parking podium entered at the north edge of the site. Four live/work units intervened at sidewalk level between Dexter Avenue North and the parking area, with a central entry connecting through a lobby to the residential units above. A central courtyard provided a continuous visual opening through the site that aligned with the opening of Hayes Street across Dexter Avenue N.

In response to the Board's directive that the design team explore moving the garage entry so that there was less of a potential impact on the neighbor to the north, the applicant explained how any change in location would adversely impacted the ability to provide the required parking count and would result in untoward configurations for resident pedestrian pathways between the residential lobby and garage motorized vehicle and bicycle parking. In addition, the location of the garage parking at the north property line was said to maximize a separation from the pedestrian street crossing at the Hayes Street intersection and to optimize the distance from the bus stop located at the and to maximize a separation from the pedestrian street crossing at the Hayes Street intersection. Since the project was described as being much about promoting alternative modes of transportation for those residing within the units, time was taken to demonstrate how a bus stop had been incorporated into the architecture and adjoining streetscape. This was prelude to a fuller presentation of the landscaping proposed for the central courtyard, the planting areas along each side of the structure, and the green roofs incorporated into the street-side roofs of the structure's first tier. The applicants presented and identified samples of the materials proposed for construction of the proposed structures.

### **Departures:**

The applicants identified the following two departures from development standards:

- SMC 23.47A.032—to allow street as well as alley access to parking on site;
- SMC 23.47A.029—to substitute an enclosed, fenced-in enclosure for garbage and recycle bins for required waste and recyclable storage room.

### **Public Comments:**

After members of the Board had asked some clarifying questions of the design team, following its presentation, the Board Chair elicited comments from the public. One member of the public, developer of the property immediately to the north, expressed concern, as he had at the Early Design Guidance meeting some weeks before, regarding the proximity of the proposed garage entry off Dexter Avenue N. to his project. He objected to the curb cut on Dexter Avenue N., noted that his own development took all parking access from the alley, said that alley access should be a requirement for the proposed development and objected to the Board's granting a departure to allow access from the street. Otherwise there was limited public comment regarding the proposal.

### **Board's Deliberations:**

Having asked their own qualifying questions regarding details of the proposal and having heard public comments, the four members of the Board began their deliberations, commenting on those guidelines that were of highest importance for the project. The Board complimented the development team on its presentation and reaffirmed their earlier estimation that the applicant's proposal was generally appropriate for the neighborhood and the site.

Among the major issues singled out by the Board at the Early Design Guidance meeting had been the following:

- The driveway in and out of the subterranean garage appeared to crowd the neighbor to the north; it could disrupt pedestrian traffic along the sidewalk; it could pose a potential safety hazard for southbound bicyclists descending Dexter Avenue N., if not for vehicular traffic. Since access from the street would require the Board's recommendation of granting a Design Departure, the Board wanted to see the applicant address more fully issues of appropriateness, functionality and safety. One area of investigation should be studies showing how a single lane in-and-out driveway might better serve the parking garage should a departure be recommended for allowing parking access off Dexter Avenue N.

In responding to this issue, the applicants relied on their traffic engineer's estimation (Transpo Report, July 28, 2008) that a single-lane in-and-out driveway would pose serious safety issues and was not a viable solution. There was some disagreement within the Board whether locating the bicycle parking north of the driveway had been thoroughly explored as a viable option, but the Board was agreed that taking access for all the parking from the alley was impracticable given the steep topography between street and alley (see Guideline A-1) and given the size, scope and innovative (using modular, pre-fabricated units) nature of the project. The Board recommended that the design team explore recessing the placement of the garage door even further interiorly and away from the sidewalk edge.

- A second issue was that of dealing with, trash, garbage and recycling materials; it had been agreed at the earlier meeting that servicing the pick-up of these byproducts of residential living would appear to work better from the alley than from the Dexter Avenue N.

The applicants asked for a departure from the development standards of SMC 23.47A.029 which otherwise would require a front-loading container, a minimum of 200 square feet of storage space with a minimum dimension of six feet, and other particulars as identified in the Code subsection. The applicants propose providing two smaller, fenced-in enclosures off the alley with only bins, but no dumpsters, to be serviced by contract by Cleanscapes' Dumpster-Free Service, a daily collection operation. The Board felt that the size of the storage space allotted for waste and recyclables was minuscule and that the design team should explore whether there might be some give in the size of the proposed existing stairs at the northwest and southwest corners, or elsewhere, to eke out a bit more room for the storage of disposables. Perhaps more sensitive than the applicants to waste management as the sine qua non of urban living and more attuned to the vicissitudes of the commercial waste-collection world, the Board recommended as a condition of their approval of this departure that the applicants present on their plan sets an "Alternative B" which would demonstrate a viable alternative for providing on site space adequate to accommodate dumpsters for both waste and recyclables.

DPD notes that SMC 23.47A.029 provides, in sub-section "F," that the Director of DPD may, in consultation with the Director of Seattle Public Utilities, depart from the standards of subsections A, B, C and D. In that case a Design Review Departure seems unnecessary. Since the location and design of solid waste-disposal space, however, was of special concern to members of the Board, in recommending their approval of the overall design of the project, the Director may condition the Decision granting approval of the proposal in such a way as to ensure the Board's concerns (grounded in Guideline D-6) are taken into account.

- A third issue was the need for the live/work units to be of sufficient size properly to function as something other than mere residential units.

The Board agreed that the size, configuration, and placement of the live/work units as presented satisfied the concerns expressed at the Early Design Guidance meeting.

- Since the applicants had made much of promoting alternative modes of transportation for the residents within these units, the Board had requested at the Early Design Guidance meeting that design development of the Dexter Avenue N. façade and adjoining streetscape should look for ways to incorporate the bus stop into the architecture.

The Board acknowledged that the applicants had responded successfully to this guidance.

The four members of the Board present recommended approval of the design as presented to them at the meeting and recommended approval of the requested departure(s) with the conditions noted above.

## **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by four Board members and the recommendation to approve the design, as stated above.

## **DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the four Design Review Board members present at the Area 3 Design Review Board meeting held on August 6, 2008, and finds that they are consistent with the City of Seattle *Design Review: Guidelines for Multifamily & Commercial Buildings*.

Therefore, the proposed **design is approved** as presented at the August 6, 2008 Design Review Board meeting with the recommended development standard **departures** described above also **approved**, subject to the conditions, enumerated below.

## **ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist* submitted by the applicant and dated June 3, 2008 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*

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and

ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related air quality, noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

### Air Quality

The existing on-site building will be demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing buildings, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Other than assurance that the required notice to the Puget Sound Clean Air Agency has been provided, no SEPA conditioning of air quality impacts is necessary.

### Noise

The project may generate some loud noises during demolition, grading, and construction. Although the limitations of the Noise Ordinance, Chapter 25.08 SMC, are generally considered adequate to mitigate the potential noise impacts, SDOT has stated that due to street closure concerns, placement of the modular, pre-fabricated units may only occur in the evenings and weekends. Such placement could generate noise impacts. DPD will require a Construction/Noise Impact Mitigation Plan that will anticipate and address any evening, nighttime and weekend noise-generating construction activities. This Construction/Noise Impact Mitigation Plan must be approved by DPD and have SDPT concurrence prior to any demolition, shoring, or construction permits being issued.

### Earth//Grading

An excavation to construct the below grade parking for the proposal will be necessary. Approximately 11,000 cubic yards of soil and existing material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during

demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

The subject site has received a limited ECA Exemption Decision from DPD as follows: “ECA review required. Based on the submitted documents, “steep slope” areas on this property appeared to be less than 20 feet and had been created by previous grading and/or construction activities. Further, the submitted report by PanGeo, Inc., dated May 2008, had implied that granting this exemption will not result in adverse impacts on this site and adjacent sites. *In this respect, the ECA Steep Slope Development Standards (e.g., threshold disturbance level of 30 percent of the Steep Slope Critical Area and requirements for a Steep Slope Variance) are waived for future development associated with DPD Application No. 3008741. All other ECA Submittal, General, and Landslide-Hazard and development standards will apply for this project. Note that the subject site is also designated as a Potential Landslide Area due to Geologic Conditions and may contain a known landslide site. Dependent on the depths of excavation, an addendum report addressing construction and permanent dewatering may be required.*” No further conditioning of impacts through SEPA authority is required.

#### Pedestrian Circulation

There is a public sidewalk located on Dexter Avenue N., abutting the development site, which provides a significant pedestrian pathway. It provides a predictable path for pedestrians traveling north and south along the Dexter Avenue corridor. There are no signalized crossings in the immediate vicinity of the project, nor marked pedestrian crossways between Howe Street, approximately 600 feet to the north and Galer Street, approximately 600 feet to the south of the proposed construction site. It is necessary, therefore, to use SEPA policy authority to require that a safe and predictable path of pedestrian travel be established and maintained along the project site. It is essential as well as desirable that the sidewalk abutting the project site along Dexter Avenue N. be kept open and safely passable throughout the construction period. Any case for the need for the temporary closures of the sidewalk needs to be disclosed in a Construction/Noise Impact Management Plan which must have DPD approval. Any necessity judged to require a temporary closure of the sidewalk on Dexter Avenue N. must in each instance have DPD as well as SDOT approval. This condition is enumerated below.

#### Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

Truck trips will be generated during excavation, shoring, and foundation construction. A truck route for site excavation has not yet been worked out with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

### Earth

There would be almost no potential for erosion from the completed development, since almost no exposed earth would remain on-site. Open space would be provided in the form of interior courtyards. Landscaping would be provided by built-in containers and by street trees.

The project site lies within the 40% Steep Slope and the Potential Slide Environmentally Critical Areas. Compliance with Chapter 25.09 SMC will generally mitigate potential earth-related ECA impacts. The subject site has received a limited ECA Exemption Decision from DPD as follows: “ECA review required. Based on the submitted documents, “steep slope” areas on this property appeared to be less than 20 feet and had been created by previous grading and/or construction activities. Further, the submitted report by PanGeo, Inc., dated May 2008, had implied that granting this exemption will not result in adverse impacts on this site and adjacent sites. *In this respect, the ECA Steep Slope Development Standards (e.g., threshold disturbance level of 30 percent of the Steep Slope Critical Area and requirements for a Steep Slope Variance) are waived for future development associated with DPD Application No. 3008741. All other ECA Submittal, General, and Landslide-Hazard and development standards will apply for this project. Note that the subject site is also designated as a Potential Landslide Area due to Geologic Conditions and may contain a known landslide site. Dependent on the depths of excavation, an addendum report addressing construction and permanent dewatering may be required.*” No further conditioning of impacts through SEPA authority is required.

### Traffic and Parking

The Transpo Group completed a Transportation Impact Analysis for the project, dated September 2008, which was submitted to the City as part of the application and review process. This was supplemented by a “Response to Correction Notice,” dated November 10, 2008.

The project will include parking for 60 vehicles. Parking for 50 vehicles is proposed on the ground floor with access from Dexter Avenue N. Parking for 10 additional vehicles are proposed along the existing alley. Per the Land Use Code, 60 stalls are required for the proposed residential uses. Thus, the project complies with code requirements for parking. The estimated peak parking demand is 66 stalls, resulting in a peak parking demand deficit of 6 stalls. However, any deficit would be able to be accommodated by the available off-site parking supply.

The City of Seattle has implemented a program through which development occurring in and around the South Lake Union neighborhood would contribute a mitigation payment towards the

planned improvements identified in the South Lake Union Transportation Plan. The Plan identifies improvements with the goal of improving Seattle's transportation problems, through a combination of auto traffic projects, bicycle projects, and transit projects. For projects located outside the South Lake Union neighborhood, this results in the voluntary payment of a pro-rata fee, based on the assignment of project traffic to the future street system with the identified transportation improvement projects in place.

For its trip generation analysis, Transpo Group utilized trip generation rates associated with ITE Land Use Code 220, Apartment for the residential/live-work element of the project. All rates were obtained from the ITE 7<sup>th</sup> Edition. The study estimated that the project would generate approximately 450 average new daily trips, with 34 occurring during the weekday AM peak hour (7 entering and 27 exiting), and 41 during the weekday PM peak hour (27 entering and 14 exiting).

Based on discussions with the project team and DPD staff, it was determined that the trip generation used as the basis for the traffic analysis was conservative due to the location of the project site, the proposed number of floors, and that the proposed development represents below-market rate housing. For the purpose of paying South Lake Union mitigation fees, the Transpo Group revised its trip generation rates to reflect the unique nature of the project. The revised analysis showed that the project would be anticipated to generate approximately 250 weekday daily trips, with 18 trips during the weekday AM peak hour, and 23 trips during the weekday PM peak hour. The revised trip generation was used to calculate the project's pro-rata payment towards the South Lake Union transportation capital improvements.

The payment of mitigation fees calculated using the revised methodology described above would adequately mitigate project impacts at those locations identified to be improved as part of the South Lake Union Transportation Plan.

As documented above and in the TIA, the proposed project is anticipated to generate 23 new vehicle trips during the weekday PM peak hour. Based on the updated trip generation, and the trip distribution documented in Figure 5 of Transpo's South Lake Union mitigation payment analysis, the transportation mitigation payment calculated for the proposed project is \$56,250.

### *Air Quality*

Operational trips, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### *Water Quality/Drainage*

The site is not located within the Shoreline District. Upon completion of the project, the site will be mostly covered by impervious surfaces. The bulk of vehicle parking will be provided in an underground parking garage. Stormwater from impervious surfaces will be collected for on-site detention and controlled release to the City's stormwater conveyance system. Most stormwater runoff from the completed project would be from "clean" surfaces (i.e., not exposed to vehicular traffic). Impacts to stormwater are not considered significant and no mitigation is warranted.

### Plants/Animals

All existing vegetation would be removed during the site excavation and construction. There is no known occurrence of threatened or endangered species on or near the site.

Frontage improvements will include street trees. Landscaped open spaces will be provided in the interior courtyards, public rights-of-way, and the roof garden. The project has complied with the “Green Factor” landscaping requirements.

Impacts to plants and animals are not considered significant and no mitigation is warranted.

### Energy and Natural Resources

Natural gas or electricity would be used as the principal source of energy for space heating. Electrical energy would be used for lighting and operating appliances. It is not expected that the height and configuration of the proposed structure would interfere with the potential use of solar energy by adjacent properties. Building construction would comply with this and other requirements of the Seattle Energy Code, at a minimum, to be reviewed at the time of Building permit application.

Long term impacts to energy and natural resources are not considered significant and no mitigation is warranted.

### Housing

The City’s SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. A total of 62 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to downtown and urban villages and along bus and bicycle ways minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

### Public View Protection

The City’s SEPA policies protect public views of significant natural or human-made features from designated public places; private views are not protected. SEPA policies also protect public views of historic landmarks designated by the Landmarks Preservation Board.

The predominant protected view in the vicinity of the project is of Lake Union. The project will not block protected public views of Lake Union. Therefore, no SEPA mitigation is warranted.

### Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to

comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2 Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

#### *Light and Glare*

Sources of light following the project's completion will include lights from inside residential units, low-level landscape lighting, and shielded security lighting at exterior entrances. A building address identifier would also be lighted. Individual businesses are expected to provide signage consistent with the Seattle Land Use Code.

No reflection materials, such as reflective glass or polished metal, are proposed for the building exterior. The proposal includes the use of low-level, directional lighting, and non-reflective exterior building materials to minimize the occurrence of light and glare from circulating or parked vehicles.

Impacts from light and glare are not considered significant and mitigation is not warranted.

#### *Public Services and Utilities*

The increase in development on the site, type of development (residential and commercial), and the introduction of a residential population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application. All exterior entrances to the building would be well-lit and equipped with security gates.

All utilities required to serve the proposed mixed-used residential/commercial development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

#### *Existing and Projected Land Use; Comprehensive Plan*

With the redevelopment proposal, the existing vacant two commercial structures would be demolished. A new, mixed-use residential project with live-work uses at street level would be built in its place. The land use of the site would thus be changed with the proposal.

The proposed project is compatible with surrounding uses and is located in an area of mixed Commercial and Neighborhood Commercial zoning. The site itself is zoned Neighborhood Commercial 3 (NC3-40'). The redevelopment proposal is consistent with the NC3-40 zoning of the property. Residential use in a mixed use development is permitted outright in the NC3 zone. The proposal complies with development standards applicable to mixed-use development within the NC3-40' zone, except for the previously discussed development standard departures approved by the Design Review Board.

The City of Seattle Comprehensive Plan designates the site as Mixed Use. The proposed residential/commercial development is consistent with the Comprehensive Plan designation.

It is the City's SEPA policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with adopted City land use policies. The subject proposal is compatible with surrounding uses, zoning, and City policies. The proposed mixed use project is consistent with the Seattle Comprehensive Plan. No mitigation resulting from land use impacts is warranted.

### Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

### **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 requirement of the State Environmental Policy Act (RCW 43.21.C), 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).
- [ ] 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(2)(C).

### **CONDITIONS - SEPA**

The owner(s) and/or responsible parties shall:

#### Prior to Issuance of Demolition, Grading, or Building Permits

1. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency.
2. Submit to DPD for approval by the project's Land Use Planner and the Department's Noise Control Program Specialists, a Construction/Noise Impact Mitigation Plan, one that details, among other proposed construction activities, schedules for delivery and placement of modular units outside of normal construction hours, as well as a detailed plan for maintaining at all times a safe and predictable pedestrian pathway along the west side of Dexter Avenue N.

During Construction

3. The sidewalk adjacent the project site and running along the Dexter Avenue N. right-of-way shall be kept open and made safely passable throughout the construction period. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible because necessary for demolition, shoring, structural modification or other purposes, DPD shall be notified by the developer or general contractor at least three days prior to the planned temporary closure and a plan shall be presented and approved by DPD prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.
4. Construction worker parking shall avoid residential neighborhoods and will utilize the on-site parking garage when it becomes available.

Prior to Issuance of any Permit to Construct

5. Traffic mitigation fees in the amount of \$56,250 are required to be paid to mitigate transportation impacts to the South Lake Union neighborhood.

**CONDITIONS-DESIGN REVIEW**

Prior to Issuance of Building Permit

6. Present and explore "Alternative B" to demonstrate a viable alternative for providing on-site space adequate to accommodate dumpsters for both waste and recyclables.

Prior to issuance of any Certificate of Occupancy

7. Construct buildings with siting, materials, and architectural details substantially the same as those presented at the March 8, 2007 Design Review Board meeting, with any modification required as conditions of the Board's approval.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: January 26, 2009  
Michael Dorcy  
Senior Land Use Planner

MD:bg

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