



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

Application Number: 3012432
Applicant Name: Amoreena Miller of Strata Architects
Address of Proposal: 717 3rd Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three-story, 20 unit residential structure in an environmentally critical area. Parking for 11 vehicles will be located partially below grade. Existing structure to be demolished.

The following approvals are required:

Design Review – Seattle Municipal Code (SMC) 23.41

Development Standard Departures: As documented in the approved plans<sup>1</sup>.

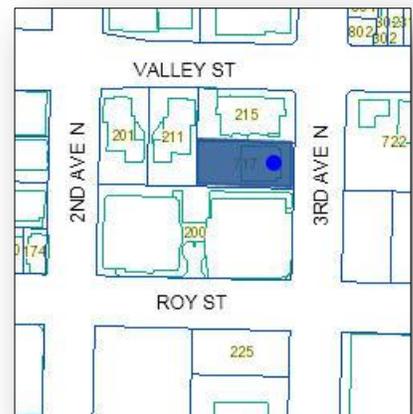
SEPA Environmental Determination – SMC 25.05

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

BACKGROUND INFORMATION:

SITE & VICINITY

Site Zone: LR3
Nearby Zones: (North) LR3 (South) NC2-40 (East) LR3 (West) LR3
Lot Area: 7,680 SF
Access: Pedestrian and vehicle access would be from Third Ave N.



<sup>1</sup> See Master Use Permit Plans, sheets G1.2 and A1.1

Surrounding

Developments: The property north of the site has a four story apartment building. The property south of the site has a five story mixed use building. East of the site is Third Ave N.

ECAs: Steep Slope Area, refer to SMC 25.09.020 A3b(5)<sup>2</sup>.

Neighborhood

Character: **Neighborhood Context.** Uptown is a very lively neighborhood that encompasses Seattle Center which hosts some of the city's best known landmarks including, The Space Needle, Key Arena, and the EMP. A diverse mix of activities occurs throughout the neighborhood, and a variety of services are provided for the residents. Lower Queen Anne is home to over 100 restaurants and bars as well as a wide array of shopping opportunities that provide something for everyone. Seattle Center is the City's backyard and just blocks from the proposed development.

**Residential Context.** The neighborhood consists of many historic apartment buildings that are simple brick structures constructed at the beginning of the last century. The apartment buildings are small in nature when compared to newer apartment complexes. The massing of the structures are simple using quality material and attention to detail. In addition to the many brick building around the neighborhood, there are a number of building that use exterior corridors, and this is especially true near Seattle Center. Many of the buildings incorporate intimate courtyards for the residents and landscaping along the sidewalk.

Public Comments

Public comments were invited at the two Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

**PROJECT DESCRIPTION**

The site is located in Lower Queen Anne near Seattle Center. There is an existing building that currently has 8 units. The property is zoned LR3. The property to the south is zoned NC2-40 and contains a five story mixed use building. The property to the north has a four story apartment building.

The existing eight (8) unit building will be demolished to construct the twenty (20) unit Built Green apartment building. The building will be between 30' and 34' high with three stories of

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<sup>2</sup>Request for ECA Exemption. "ECA review is required. Base on a review of the submitted information and the City GIS system, DPD concludes that the project qualifies for the criteria established in SMC 25.09180.B2a, that is, the ECA Steep Slope Area has been previously developed. For this reason, DPD waives the required ECA Steep Slope Area Variance associated with the application. Except as described herein, the remaining ECA Submittal, General and Landslide — Hazard Development Standards and related criteria still apply." B/A 6285180, 8/30/2012, McIntosh.

housing and one level of partially below grade parking for 11 vehicles and will include bicycle parking. Trash and recycle will be located in the parking garage.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit with a design review component on September 7, 2012. The public comment period ended on October 24, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>3</sup>.

**ANALYSIS – DESIGN REVIEW**

**DESIGN PRESENTATION** — *at Early Design Guidance*

Three development options were presented — **Option A**, an option providing open space at the rear yard as well as in an interior courtyard for the residents. The building steps in the rear to include 3 units at the upper level. A rooftop courtyard would be provided at this level with elevator access. **Option B**, in this option the applicant explores using a prefab unit to speed up construction time and reduce the construction impacts on the neighborhood. This option provides open space at the rear yard as well as in a narrow courtyard for the residents. This option would only have 3 stories of residential space and there would be no rooftop courtyard. **Option C**, is code compliant scheme based on a double loaded corridor and brings the entire building up in elevation to reduce the amount of shoring that is necessary. This option provides open space at the front of the project as well as in the rear yard. The parking garage is about 4' above grade at the front of the building. There are currently no decks planned for this option. This option would only have 3 stories of residential space and there would be no rooftop courtyard.

— **At the Final Recommendation Meeting**

The Applicant presented the current design based on refinements to **Option B** from the EDG meeting — the following changes have occurred.

The elevator was relocated toward the west of the property. This reduces any view blocking mass from the elevator shaft for the neighbor to the north. The building shifted 2' feet into the rear yard setback, also to increase the views from the neighboring property to the north. A unit on the upper floor was removed and a roof terrace was added in its place. This increases the setback of the building at the upper floor to 22'.

The building was also raised 4' to create a partially below grade parking garage rather than an underground parking garage. This was due to the concerns from the west neighbor and the geotechnical report.

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<sup>3</sup> <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

## PUBLIC COMMENT

— *at the Early Design Guidance meeting*

Five members of the public attended the Design Review Meeting. The property owner who owns an apartment building on the southeast corner of the intersection of Valley Street and 2<sup>nd</sup> Avenue stated the following:

- ⤴ He is concerned about the potential risk of damage to his property due to shoring required for the construction of the new building in question.

*The board responded by informing him that this is not a topic covered at the EDG meeting but would rather be dealt with during the building code review.*

The property owner also remarked:

- ⤴ He prefers scheme B.
- ⤴ He likes the contemporary facade study that was presented.

— *At the Final Recommendation Meeting*

Four members of the public attended the Design Review Meeting. The property owner who owns an apartment building to the west stated the following:

- ⤴ He asked about the trees on the west end of the property and was concerned about their height and required maintenance.
- ⤴ He also asked about the location of the terrace and the former roof garden.

*The applicant responded that the evergreen trees on the west end would not be taller than the building. The terrace was pointed out with the images used in the presentation and it was further clarified that there is no longer a garden or public space on the roof.*

The property owner asked about the revised distance from the back of the garage to the west property line, as this dimension increased in comparison to the EDG plans. Amoreena responded that the exact dimension was not noted on the presentation documents but that it was roughly thirty feet.

## BOARD CLARIFYING QUESTIONS/COMMENTS and DELIBERATIONS

— *at the Early Design Guidance meeting:*

The Board liked the overall direction of the project and recognized the preferred scheme B as an appropriate response to the site. The Board recognized that some of the neighbors may also find scheme B to be the most appealing option as it has the lowest overall height and therefore will have the least impact on the neighboring properties' views. The Board acknowledges the benefit of the proposed exterior walkways as they allow every unit to have the ability for cross ventilation as well as better day lighting. The Board identified the importance of screening on the exterior walkways in regards to both privacy and shading neighboring buildings from exterior lighting.

The Board also responded well to the inclusion of a courtyard on the main level and they preferred the courtyard of scheme A to scheme B as it was larger. The Board identified the

importance of properly designing the courtyard and landscaping of scheme B as it will be confined to a small area. Of the two facade studies present the board preferred the contemporary facade study to the traditional facade study. The Board appreciated the contemporary styling of the facade as well as the recessed entry and articulated entrance. The Board recommended paying careful attention to the detailing the facade materials with particular attention paid to the detailing of the corners. The Board recommended considering making the front stair more transparent. The Board suggested looking into moving the elevator to the rear of the property in order to discourage its' use and encourage usage of the stairs.

The Board was very supportive and recommended approval of the design presented in scheme B.

## DESIGN GUIDELINE PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

### 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, located on prominent intersections, unusual topography, significant vegetation and views or other natural features.

*The existing site has a change in topography of 14'. The entrance to the parking garage will be situated on the low side of the site, while the entrance to the units will be situated on the higher side (east). The building will respond to the existing topography. The site contains trees that the developer would like to be saved during the construction process. The massing of the building is intended to stay out of the drip line of the trees located in the southwest corner of the site.*

*At the Early Design Guidance Meeting, the Board inquired about code compliance for the landscape buffer at the setback. The Board requests the design team provide detail on this at the next meeting.*

*The Board also requested a study of more developed response to street and would like to see more transparency at the street.*

***At the Final Recommendation Meeting**, the Board agreed that it is not aesthetically desirable to have the garage door overly recessed into the mass of the building. However, they did express concern about the location of cars staging when coming and going from the garage. It was determined that their preferred location of the garage door was at the next building datum to the west, which is 13'-0" from the property line. "A reduction in the 'site triangle' to the north is acceptable to retain the modulation of the façade."*

**A-3 Entrances Visible from the street.**

*The main entrance will be oriented towards the east to be located on Third Ave N. The main entrance will be visible from the street to provide a clear entry for pedestrians and vehicles. The main entrance is recessed to provide a covered entry area.*

**A-5 Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

*Adjacent buildings are 4 and 5 story buildings. The proposed building will be complimentary of the adjacent structures. The adjacent structures have existing balconies and the massing and location of the proposed building responds to the balcony locations to ensure privacy for the adjacent site as well as potential tenants.*

*At the Early Design Guidance Meeting, the Board requested the design team to review design options for the northern pedestrian access and the appearance of the façade as viewed from the northern properties.*

*At the Final Recommendation Meeting. See A-1 above. The small area of non-compliance, at the southwest corner was pointed out as the area causing the need for the departure. The departure was approved due to the fact that this side of the building is adjacent to a NC2-40 zoned property and it creates a larger courtyard and more advantageous unit floor plan. See Departure #2 above.*

**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 minimal setback will be provided for the building, but the entrance will be treated with a recess to allow for a more gracious entrance. Landscaping will be used to create a buffer between the building and the sidewalk.*

*At the Early Design Guidance Meeting, the Board stated that it would like to see a study of proper screening between the proposal and the northern properties.*

*At the Final Recommendation Meeting, the Board's main concern was with the flowering cherry tree that is planned to the north of the driveway, and expressed that it needed to meet code regarding the trunk size and location of foliage. As long as these requirements are met, the departure was approved.*

**A-7 Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

*Courtyard elements are desired for this location, creating a private/public space for the residence with the potential for individual gardens in this area. There will also be a large at grade open area for the residents on the west side of the site adjacent to the existing trees. All of the open space is currently at grade. There is the potential for amenity space on the roof.*

**B. Height, Bulk and Scale**

- B-1 Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

*The project should be compatible with the adjacent buildings. The existing apartment buildings in the neighborhood are a range of 3 to 5 story buildings. The applicant should look to complementary architectural style nearby that can be incorporating a base, middle and top for the building.*

*At the Final Recommendation Meeting, the departure proposed for the rear yard setback was in direct response to the Board's request from the EDG Meeting. The benefit of this rear yard reduction is that it in turn increases the distance from the street at the front of the building, thus offering less obstruction of the views from the neighboring buildings. Because of this, the Board was appreciative of the revision and approved the departure, reducing the rear yard from 15'-0" to 13'-0".*

**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.

*At the Early Design Guidance Meeting, the applicant noted that — “in addition to the many brick building around the neighborhood, there are a number of building that use exterior corridors, and this is especially true near Seattle Center. Many of the buildings incorporate intimate courtyards for the residents and landscaping along 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, pattern, or lend themselves to a high quality of detailing are encouraged.

*At the Final Recommendation meeting: An exterior finish material board was presented and approved by the Board at the recommendation meeting. See the Board Direction noted below.*

**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 area should be protected from the weather. Opportunities for creating lively, pedestrian-oriented space should be considered.

*At the Early Design Guidance Meeting, the Board stated that it would like to see a study of the residential entry.*

*At the Final Recommendation meeting, the Board reviewed the open space and entrances and approved by the design shown at the recommendation meeting.*

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

**D-6 Screening of Dumpsters.**

All services will be within the parking structure.

**D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

**D-12 Residential Entry.**

The entry will be distinctive, but we are still looking at that design element.

## **E. Landscaping**

**E-1 Landscaping to Enhance the Building ....**

This will be an important feature for this project and will require lot of thought to incorporate the existing trees on the site and add new landscape elements.

**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.

*At the Early Design Guidance Meeting, the Board stated that is would like a study of landscaping at the building base.*

*At the Final Recommendation meeting, the Board reviewed the presented landscaping plan and it was approved at the recommendation meeting.*

## **BOARD DIRECTION**

At the conclusion of the Final Recommendation meeting, the Board directed the applicant to work with the DPD Planner to resolve the recommendations noted below.

The Board would still like to see more transparency at the street level, particularly at the building lobby. It was determined that the window near the mailbox location could be made larger, therefore addressing this concern.

The Board gave good feedback in regards to the modulation at the front of the building. They appreciated the varying wall planes on the east elevation, and the location of the terrace which lowers the scale of the building at the street level. However, they preferred more architectural consistency at the roofline at the east end. Specifically, the elements under speculation were the multiple sloped roofs at the perimeter of the terrace. It was determined that the board was confident the architect understood their comments and would be able to move forward with the design. The south elevation was used as an example of good rhythm and successful simplified forms.

Two screening options were provided for the Board's review and recommendation. The Board preferred the Vertical scheme over the Horizontal scheme. They did recommend that the overall layout be simplified with less use of the colored translucent panels, and more emphasis on the structure and framework of the screens.

The west elevation was identified by the Board as needing further development and detail. However, Amoreena verbally conveyed the intent of using minimal trim at siding and windows, as well as material changes, and referenced the sample on the materials board. The change of plane was also pointed out, as this was not obvious in the two dimensional drawing. These clarifications satisfied the Board.

Two color options were presented for the Board's review. They expressed a liking to both the 'clay' and 'blue' schemes. Generally, there was a leaning toward the clay scheme, particularly when viewing the physical paint and screen finishes on the materials board. The orange color on the building across the street was addressed, and it was noted that it is important to be sure a darker and more muted orange color be used on the new building in order to be noticeably different. The Board, as well as the architect, prefers a smooth texture on the lap siding versus a cedar-like texture. It was suggested by one Board member to introduce a small amount of the colored translucent panels on the deck balconies on the south side in order to add color to this part of the building. (Relates to Guideline C-4 noted above).

## **DEVELOPMENT STANDARD DEPARTURES<sup>4</sup>**

At the time of the **Final Recommendation** meeting, the following departures were requested:

1. *A departure was requested for the depth of the building.* Code states that when the average setback is less than 10' from the south property line the maximum building depth cannot exceed 65% of the Lot, which in this case equates to 83'. The applicants proposed extending the max depth to 92' versus the allowed 83'. This request was made because of the need for the units to be standardized in order to use the intended pre-fabricated construction method.
2. *Reducing the required site triangle* at the north side of the driveway in order to allow for modulation at the front of the building. Approximately 2 square feet of the building and one cherry tree is located in the site triangle area.

*The board's main concern was with the flowering cherry tree that is planned to the north of the driveway, and expressed that it needed to meet code regarding the trunk size and location of foliage. As long as these requirements are met, the departure was approved.*

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<sup>4</sup> Documented in the Master Use Permit plans, sheets G1.2 and A1.1

3. The board recommended a departure to move the entire building two feet towards the rear of the lot. This would place the building two feet within the required 15' rear setback.

*The departure proposed for the rear yard setback was in direct response to the Board's request from the EDG Meeting. The benefit of this rear yard reduction is that it in turn increases the distance from the street at the front of the building, thus offering less obstruction of the views from the neighboring buildings. Because of this, the Board was appreciative of the revision and approved the departure, reducing the rear yard from 15'-0" to 13'-0".*

### **DIRECTOR'S DECISION** — *Design Review*

The Board's recommendation was based on the design review packet and the presentation by the applicant at the Design Review meetings. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, (all those present) of the Design Review Board **recommended APPROVAL** of the subject design<sup>5</sup>.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed recommendations, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings, and is consistent with SEPA requirements or state and federal laws. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

The Director of DPD has reviewed the recommendations of the Design Board members present at the Final Design Review Recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the guideline's and do not conflict with regulatory requirements.

### **CONDITIONS**

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

### **ANALYSIS – SEPA**

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

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<sup>5</sup> See the Recommendation Report for the Board members present.

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

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

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

### Short-Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

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

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

### Earth

The project will require excavation and DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC [22.800](#) and Regulations for Environmentally Critical Areas, SMC 25.09 — <http://clerk.ci.seattle.wa.us/~public/toc/25-09.htm>) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

### Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

### Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction is unwarranted.

### Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the 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, so mitigation is not required pursuant to SEPA.

### Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, 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 which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not significant, so do not require mitigation pursuant to SEPA.

### Height, Bulk, and Scale

SMC [25.05.675.G.2.c](#) states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project and unanimously recommended approval of the project design. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

*Light and Glare*

The checklist discusses the project's potential light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be downshielded but will provide enough light in the evening to provide a safe environment. DPD therefore determines that light and glare impacts are not substantial and warrant no further mitigation per SMC 25.05.675.K.

*Other Impacts*

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

*Greenhouse Gas*

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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.

**DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

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

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

The proposed action is **APPROVED WITH CONDITIONS.**

**CONDITIONS-DESIGN REVIEW**

*For the Life of the Project*

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner assigned to the project.

Prior to Issuance of a Permanent Certificate of Occupancy

2. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with, sitting, materials, and architectural details is substantially the same as those documented in the approved/issued plans.

Signature: \_\_\_\_\_ (signature on file) Date: May 16, 2013  
Colin Vasquez, Senior Land Use Planner  
Department of Planning and Development

CV:drm

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