



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Numbers: 3012666
Applicant Name: Weinstein AU
Address of Proposal: 526 19th Avenue East

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a four story, building with 50 residential units, 6,000 square feet of commercial and parking for 47 vehicles located both at grade and below grade. Review includes demolition of two commercial structures and 6,200 cubic yards of grading.

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

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

* Notice of the Early Determination of Non-significance was published on December 29, 2011.

PROJECT DESCRIPTION

The applicant proposes to construct a four-story, mixed use structure with 50 residential units above approximately 6,000 square feet of commercial at the southeast corner of 19th Avenue East and East Mercer Street. Twelve parking spaces would be provided at-grade along the alley and 35 spaces would be placed below grade and also accessed from the alley. The proposal would require demolition of two, single story commercial buildings.

The concept design scenarios introduced by the applicant share several characteristics: locating commercial uses along the two adjacent streets, placing the residential lobby at the same location on 19th Ave E. marked with a vertical notch in the west facade, accessing the parking garage from the alley, shifting the building mass close to the 19th Ave. right-of-way, and placing three floors of residential units with double loaded corridors above ground level. In Option A, the architect places a series of units behind the commercial uses accompanied by terraces overlooking the alley. This strategy provides a fairly generous setback of the structure from the alley. The second option gives over the entire first floor to commercial uses segmenting the northern uses from the others by the residential lobby and common space. The architect carves a series of light wells into the upper residential floors providing each unit greater access to natural light. The mass steps back from the alley but not as generously as the first option.

Similar to Option A, the third alternative places units behind the commercial uses at the first floor (raised slightly above the alley) but reduces the amount of patios for the units. These overlook a row of outdoor parking spaces that back onto the alley. A central courtyard provides light and air for the upper three floors of residential units and adds a light shaft on the south end of the structure that pairs with the adjacent Capitol Court's light well.

By the Recommendation meeting, the applicant had refined the third option. The three residential floors float on almost entirely glazed storefront elevations facing the two principal streets. The composition of the primarily residential facades introduces strong horizontal bands made of black painted plate steel defining the floors and roof interspersed with vertical rainscreen panels of cedar drop lap siding and fenestration. Wood doors at the restaurant open to outdoor terrace seating overlooking E. Mercer St. and onto 19th Ave. Soffits for the overhanging upper floors use the same lap wood siding as do the courtyard facades.

SITE & VICINITY

The roughly 18,910 square foot site lies within a Neighborhood Commercial One (NC1 40) zone for a 40 foot height limit. Two single-story, commercial structures occupy the development site. The smaller building houses a barber shop. Surface parking covers much of the rest of the development site. A curb cut on East Mercer St and an alley provides egress to the parking lot. The site's declension totals approximately four feet from west to east. Across 19th Ave E the property remains relatively flat.

A small node of NC1 40 zoning centered on E. Mercer St. and 19th Ave. E. lies surrounded by single family zoning (SF 5000) with the exception of a small area of multifamily, Lowrise Two zoning directly to the east and across the alley from the subject site. The 19th Ave E corridor stretching from E. Thomas St. on the south to E. Galer St. on the north has three small clusters of NC zones amidst a primarily single family designated zone.

The site lies within the northern extents of the Madison-Miller Urban Residential Village and approximately three blocks to the east of the Capitol Hill Urban Center Village. Beyond the commercial corridor along Madison St., small nodes of commercial uses occur along 19th Ave E. as well as institutional uses such as the Miller Community Center and playfield, St. Joseph's church and school and the Stevens School. Other significant institutions in the area include Meany Middle School and the Nova project, and Holy Names Academy. In the immediate vicinity, several restaurants and retail establishments, Monsoon, Kingfish Café, Fuel, the Ensemble Theatre among others, line 19th Ave.

The streetscape along 19th Ave. is characterized by the mature tree canopy extending from Madison St. north to the avenue's terminus at Interlaken Dr. E. Commercial, single family, lowrise and midrise multifamily structures front on to 19th Ave.

ANALYSIS - DESIGN REVIEW

Public Comments

Five members of the public affixed their names to the Early Design Review (Wednesday, November 16, 2011) meeting sign-in sheet. The following comments were received:

Courtyard & Open Space

- Favors an enhanced courtyard. Eight units from the adjacent building look into the court.
- Consider the proportions of the courtyard. It appears narrow.
- The four foot depth of the decks on the east side is not workable.

Traffic and parking

- Traffic congestion is a major problem. It is difficult to drive through the neighborhood.
- The added density proposed by the development will generate even more congestions and parking problems.
- The neighborhood needs a Residential Parking Zone (RPZ). This should be a condition.
- Most single family houses in the neighborhood don't have parking. Microsoft has a pick-up location at 19th and Mercer. This causes the employees to park in the neighborhood. Some of the restaurants in the neighborhood also generate a lot of on-street parking.
- Consider limiting the hours of the proposed restaurant in order to ameliorate the parking problem. How will commercial deliveries to the restaurant occur?
- Construction parking will also be a problem.
- Garbage trucks have difficulty maneuvering in the alley.

Other issues

- A speaker praised scheme # 3.
- The character of the neighborhood is changing with the addition of apartment buildings.
- Considers the approach to storing and removal of solid waste a good one.

GUIDELINES

After visiting the site, considering the analysis of the site and context provided by the proponent, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified highest priority by letter and number from the guidelines found in the City of Seattle's "Design Review: Guidelines for Multi-family and Commercial Buildings". 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, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The upper levels of the proposed building extend beyond the wall of the first floor by setting back the storefronts. This increases the width of the sidewalk along 19th Ave. E. and provides a modest shelter above it. The Board observed the potentially awkward condition for the pedestrian at the juncture of the new structure and the different setback of the adjacent building to the south.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

A-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.

See guidance for A-7.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

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

The Board endorsed Scheme # 3 with the conjoining courtyards. How these adjoining open spaces work together to enhance their use and avoid an awkward transition needs careful design attention.

An open stairs within the courtyard is preferable. Reorienting the stairs may result in a more dramatic space. The quality of the courtyard will influence the Board's decision on the related departure.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

See guidance for D-8.

A-9 Location of Parking on Commercial Street Fronts. Parking on a commercial street front should be minimized and where possible should be located behind a building.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

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.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board did not discuss this guideline, but the choice and detailing of materials will likely be a consideration at the Recommendation meeting.

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-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-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.

- 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. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

See guidance for D-8.

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

- D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.**

Noting their reservations regarding the allowance of parking adjoining the alley, the Board members stated a desire for a truly operational alley and adjoining service / parking area that accommodates trash and recycling retrieval, accommodates garbage trucks, shifts the commercial trash away from E. Mercer St. and the adjacent open space, and considers the habitability of the residential units overlooking the parking and alley. The area should be well designed with generous plantings. The Board urges the applicant to meet with SDOT to resolve the edges of the alley and E. Mercer St. to accommodate trucks. The parking area should have permeable pavers rather than asphalt.

- D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.**

An example of the type of commercial signage should be presented at the Recommendation meeting.

- D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

The applicant will need to present a concept commercial lighting plan for the Recommendation meeting.

- D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

Images presented at the EDG meeting indicated generous storefront glazing.

- D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.**

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.**

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on December 15, 2011.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on April 18, 2012 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meetings, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Three members of the public affixed their names to the Recommendation meeting sign-in sheet. The issues raised included the following: noise, loitering, littering and narrow alley width. The speaker recommends placing the outdoor seating for the restaurant on 19th Ave. E. rather than Mercer St. to reduce the impact of noise on the nearby residents. Shifting the outdoor seating would also eliminate some of the littering and loitering that occurs in the alley. This would help prevent other crimes as well.

Parking access on the alley would increase the number of vehicles using a very narrow alley. Place vehicle access on 19th Ave E. or Mercer St.

DPD received six comment letters. The issues shared with DPD included the following: lack of adequate parking for the proposal, an insufficient alley width, need for adequate (and hidden) storage of solid waste; and the desire to eliminate noise, loitering and littering in the alley.

A Site Planning

- A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

- A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-3 **Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.
- A-4 **Human Activity.** New development should be sited and designed to encourage human activity on the street.
- A-5 **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
- A-6 **Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.
- A-7 **Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.
- A-8 **Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

The thirteen parking spaces next to the alley should have a variation in size. The sizes do not need to strictly comply with city requirements, but these spaces for the restaurant and commercial uses should accommodate a variety of vehicular sizes.

- A-9 **Location of Parking on Commercial Street Fronts.** Parking on a commercial street front should be minimized and where possible should be located behind a building.
- A-10 **Corner Lots.** Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

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.

C. Architectural Elements and Materials

- C-1 **Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.
- C-2 **Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

- C-3 **Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.
- 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.

Along the south elevation, a portion of the wall flanking the courtyard remains exposed to the residents of the building to the south whose courtyard is wider than the proposal's. Instead of using fiber cement siding, the two vertical bands should be made of either cedar siding or a plate metal--materials represented elsewhere on the facades.

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-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-3 **Retaining Walls.** Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.
- 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. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- Ensure that the doors to the outdoor solid waste recycling and storage area are opaque.
- D-7 **Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.
- D-8 **Treatment of Alleys.** The design of alley entrances should enhance the pedestrian street front.
- D-9 **Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

The Board recommended that the land use planner work with the architect to develop a standard design for the blade signage. The Board members noted that the window signs would be permissible.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

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.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the April 18, 2012 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the April 18th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Residential Amenity Area SMC 23.47A.024A	Amenity areas equal to 5% of the total gross floor area in residential use.	Provide 4.25% (1,857 sq. ft.) residential amenity space. 317 sq. ft. less than required.	<ul style="list-style-type: none"> ▪ Although central courtyard provides 85% of the required space, an added 2,240 s.f. amenity spaces (or 107% of requirement) does not meet code requirements. ▪ More amenity space than actual requirement provided. 	Approved

2. Balcony Dimension SMC 23.47A.024B.5.	60 sq. ft. and a horizontal dimension no less than six feet for private balconies.	Less than six feet depth.	<ul style="list-style-type: none"> ▪ Balconies meet or exceed total square footage requirement but does not meet depth. 	Approved
3. Nonresidential Parking Space Ratios. SMC 23.54.030B.2 (a).	When providing 11-19 spaces, a minimum of 25% of the spaces up to a maximum of 65% shall be striped for small vehicles and a minimum of 35% shall be striped for large vehicles.	Allow 100% of nonresidential parking spaces provided to be for small vehicles.		Approval based on condition that not all spaces are small. Recommend a variation in size of parking spaces. Work with planner to determine sizes.
4. Street Level Requirements. SMC 23.47A.008A.3	Street level street facing facades to be located within 10' of the property line unless wider sidewalks, plazas or other landscaped/open spaces provided.	Allow street level façade along E. Mercer St. to be located 13'6" from the street lot line.	<ul style="list-style-type: none"> ▪ Proposal provides outdoor terrace (part of restaurant) that engages street life. 	Approved

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

- 1) Use cedar siding or a plate metal on the south elevation where a portion of the wall flanking the courtyard remains exposed to the residents of the building to the south whose courtyard is wider than the proposal. (C-4)
- 2) Ensure that the doors to the outdoor solid waste recycling / storage area are opaque. (D-6)
- 3) Architect shall develop with the land use planner a standard design for the blade signage. (D-9)

DIRECTOR’S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 15, 2011. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

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, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. 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. The following analyzes construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation is approximately 10.9 feet and will consist of an estimated 6,200 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by

trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

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.

Traffic and Parking

Duration of construction of the apartment building may last approximately 13 months. 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 and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction would likely reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. Upon completion of the parking garage, construction workers shall park in the garage. In order to minimize adverse impacts, the applicant will need to provide a construction worker parking plan to reduce on-street parking until the new garage is completed and safe to use. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 6,200 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 620 round trips with 10-yard hauling trucks or 310 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Broadway. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

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 due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, historic preservation, traffic, parking impacts and public view protection warrant further analysis.

Greenhouse Gas Emissions

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 expected to be significant.

Historic Preservation

The two existing structures, built in 1922 and 1962, were reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing mixed use building would meet the standards for designation as an individual landmark.

Transportation

A transportation and parking analysis was prepared for the project by Transportation Engineering NorthWest (TENW). The updated analysis of April 2, 2012, estimated project trips using rates from the Institute of Transportation Engineers' (ITE) *Trip Generation* report (8th edition, 2008). These estimates were adjusted for pass-by rates, internal trip capture, and local mode split information, as recommended by ITE. The project is estimated to generate approximately 350 daily trips, with 16 of these occurring during the morning peak hour and 33 during the afternoon peak hour. Existing uses on the site generate trips that will be removed from the local roadway network when the project is built. Taking these existing trips into account, the net increase in traffic volumes from the project will be 282 new daily trips, 13 new morning peak hour trips, and 26 new afternoon peak hour trips.

These project trips were distributed on the local roadway network based on citywide origin/destination models and general traffic patterns in the vicinity of the site. Approximately one-third of the trips are expected to travel to/from the north of the project site, and about two-thirds to/from the south. Given the small amount of additional traffic added to the roadway system at peak times and the distribution of the traffic both north and south of the site, no adverse transportation impacts are anticipated from the development of the project.

Parking*Parking Supply:*

The on-site parking supply for the proposed development includes a total of 47 stalls. Thirty-five parking stalls would be located in a parking garage, and 12 stalls would be developed as surface parking spaces.

Parking Demand: The parking demand for the commercial portion of the project was determined using rates included in ITE's *Parking Generation* report (4th edition, 2010). As these parking rates primarily are drawn from suburban sites, the rates were adjusted to reflect the urban neighborhood in which the project is proposed, with higher proportions of trips made by non-auto modes. Estimates of the parking demand of the residential portion of the project were made based on data drawn from multifamily developments in the First Hill/Capitol Hill urban center, as reported in an *ITE Journal* article of December 2010.

The following table indicates expected parking demand by project component and for the overall project; due to heavier commercial activity on Friday and Saturday evenings, demand is estimated separately for weekday (Sunday – Thursday evenings) and weekend (Friday and Saturday evenings). The cumulative parking demand for the project components is expected to be greatest in the early evening, when restaurant demand would be highest and residential demand would be fairly high.

	Weekday evening	Weekend evening
Apartments	26	26
Retail	4	5
Restaurant	24	38
Total	54	69

The total in the table assumes that the commercial and the residential parking demands would peak at the same time. This is a conservative assumption, as residential parking peaks overnight, with increasing residential volumes during the evening hours. ITE *Parking Generation* indicates the restaurant category used for these demand estimates has a concentrated peak of activity between 6:00 and 9:00 PM.

As the project is proposing to provide 47 on-site stalls, some of the project's parking demand will not be able to be accommodated on-site during peak times. The impact of the projected spillover parking was documented through a parking utilization study.

Parking Utilization:

TENW conducted a parking study to determine availability of on-street parking spaces within 800' of the project site. Data were collected on two weekday and two weekend evenings (Thursdays and Fridays, respectively). Counts were taken at 7:00 PM on Thursdays and 8:00 PM on Fridays, approximating the peak hours of the proposed restaurant. A total of 382 on-street spaces were identified within the 800' limit. The on-street utilization rate on Thursdays was 84%, and the rate on Fridays was 88%. On-street parking generally is considered to be at capacity when the utilization rate reaches 85%.

As originally proposed, the 35 spaces in the parking garage would be reserved for building residents, and the 12 surface spaces would be available for commercial tenants. With this allocation of parking, 16 vehicles associated with the commercial uses would not likely be able to park on-site on weekday evenings (peak demand of 28 for the restaurant and retail uses, minus the 12 surface spaces), while weekend evening demand would potentially exceed the on-site supply by 31 (43 minus 12). The additional project-generated cars would increase on-street parking rates to 88% on weekday evenings and 97% on weekend evenings.

Such an increase in on-street parking utilization rates is substantial and warrants mitigation. To reduce the project's parking impact; the project will be required to reserve at least 9 spaces within the parking garage for use by the commercial tenants between the hours of 6 PM and 9 PM during any days on which the restaurant use is open during these hours. The TENW parking analysis documents that the peak residential demand is 26 vehicles; with 35 spaces, the parking garage can accommodate 9 vehicles associated with the commercial uses without displacing any residential parking demand. Under this condition, parking spillover from the project would be seven vehicles on weekday evenings and 22 on weekend evenings. The weekday evening utilization rate would increase only slightly (from 84 to 86%), while the weekend evening rate would increase from 88% to 94% (weekend evenings). The slight increase on weekday evenings likely would not be noticeable. The increase on Friday and Saturday evenings would be greater, and may be noticeable, but is not considered to be significant due to its short duration and occurrence only two days a week.

DECISION - SEPA

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

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

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance

Revise plans sets to show:

1. Use cedar siding or a plate metal on the south elevation where a portion of the wall flanking the courtyard remains exposed to the residents of the building to the south whose courtyard is wider than the proposal.
2. Ensure that the doors to the outdoor solid waste recycling / storage area are opaque.
3. Develop a standard design for the blade signage to be reviewed and approved by the land use planner.

Prior to Building Application

4. Include the departure matrix in the zoning summary section on all subsequent building permit plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent building permit plans.

Prior to Commencement of Construction

5. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of all Construction Permits

6. Embed the MUP conditions in the cover sheet for all subsequent permits including updated building permit drawings.

Prior to Issuance of a Certificate of Occupancy

7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 206.615-1392). An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

8. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce Rips, 206.615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

CONDITIONS – SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

9. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
10. A construction traffic management plan shall be submitted to DPD and SDOT prior to the beginning of construction. This plan will identify off-street construction worker parking, construction materials staging area; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures. The intent of the construction worker parking plan is to reduce on-street parking until the new garage is constructed and safe to use.

During Construction

11. Condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.
12. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.
 - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
13. In addition to the Noise Ordinance, requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - A. Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - D) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
14. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
15. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Prior to Issuance of a Certificate of Occupancy for the Restaurant

16. The project shall reserve at least 9 spaces within the parking garage for use by commercial tenants between the hours of 6:00 and 9:00 PM on evenings when the

restaurant is open during these hours. Availability of these spaces for commercial use shall be indicated through signage on the individual spaces and through parking information disseminated by the restaurant. This condition will not apply if the non-residential building space is not occupied by a restaurant.

For the Life of the Project

17. Retail tenants shall provide parking information to their customers noting the availability of on-site parking, and requesting that customers respect neighborhood “no parking” signs and park so as not to block driveways.
18. The amount of non-residential space allocated to restaurant use shall be no greater than that shown on the approved MUP plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director’s decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) Date: June 14, 2012
Bruce P. Rips, AAIA, AICP
Department of Planning and Development

BPR:bg

H:\RIPS\DOC\DESIGN REVIEW\DEC 3012666 - 526 19th Ave E.docx