



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Project Number: 3013058

Applicant Name: Radim Blazej, Caron Architecture
for David Pruin, Gramor Development LLC

Address of Proposal: 306 Queen Anne Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six-story, 50-unit residential building with three live-work units (1,334 sq. ft.) at street level. Parking for 11 vehicles will be located within the structure. Existing structure to be demolished.

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Chapter [23.41](#).

Development Standard Departures:

- 1) **Residential uses at street level** (SMC 23.47.005 C.3.)
- 2) **Nonresidential street level requirements** (SMC 23.47A.008 B.3.a.)

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION:

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

BACKGROUND DATA

Site & Vicinity

Site Zone: Neighborhood Commercial 3 (NC3-65')

Nearby
Zones: (North) NC3-65'
(South) NC3-65'
(East) NC3-65'
(West) NC3-65'

Lot Area: 7,200 square feet

Current
Development: Residential.

Access: Pedestrian access from Queen Anne Avenue North and vehicle access from the alley to the east of the site.

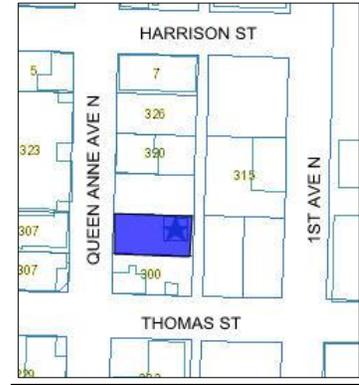
Surrounding
Development: Commercial and residential structures of various bulk, scale and use.

ECAs: None

Neighborhood
Character: The neighborhood is filled with low to mid-rise apartments of various vintages, older single-story commercial buildings, and medium-sized office buildings built within the past 40 years. Large old buildings are built right to the street, with mature urban canopy and narrow streets all contribute to the established feeling of the neighborhood. There are very few street level commercial uses along the adjacent three block stretch of Queen Anne Ave N, contributing to low volume of pedestrian traffic. Seattle Center is one block to the east.

East and west properties of the blocks across the alleys are predominantly surface parking lots.

Frequent bus service from downtown to lower Queen Anne make the Uptown Urban neighborhood an easily accessible place to live and visit.



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 Analysis — Design Review section below.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit with a design review component on May 11, 2012. The public comment period ended on July 5, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS — DESIGN REVIEW

Architect's Presentation:

(Early Design Guidance on April 4, 2012 and the Design Review Recommendation meeting on September 19, 2012)

Three alternative design schemes were presented. All of the options include vehicle access from the alley for parking within the structure, a primary residential entry at the northwest corner of the building, street level live/work units, upper level residential units, and rooftop amenity space.

The first scheme (Option A) showed a rectangular building mass with the upper eastern façade setback from the property line for residential open space.

The second scheme (Option B) showed an L-shaped building mass with the upper southeastern area setback for residential open space.

The third preferred scheme (Option C) showed a C-shaped building mass with the upper central southern façade and eastern facades setback from the property lines.

PROJECT DESCRIPTION

At Early Design Guidance (EDG)

The proposed development will create a mixed use apartment building with street front commercial uses and enhanced pedestrian experience in the urban village neighborhood. The ground level of the preferred scheme consists of a residential lobby, 3 commercial live/work units in loft configuration facing the street. The commercial live/work units will have direct, individual street access. The mezzanine level will have parking, accessible from the alley and building services behind the mezzanine levels of live work units. The second thru sixth floors have a mix of studios and one bedroom units, for a total of 10 units per floor. The roof of the building will be accessible and act as an amenity space for tenants with opportunities for entertaining, gardening and relaxation. Parking is not required for this site, although 11 stalls will be provided in the structure, with direct access from the alley.

Public Comments (at the Early Design Guidance meeting)

Approximately nine members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that events at the Seattle Center results in the alleys and streets being used for ‘disruptive behavior and illegal drinking/drugging ‘.
- Stated that the alleys vehicle access needs to be gated and lighted.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

- Objected to the loss of the existing ‘garden’.
- Encouraged the reuse of the existing residential materials on the proposed building or for recycled use on other buildings.
- Concerned with the loss of the existing residential structure.

At the time of the Early Design Guidance meeting, the following departure was requested: To allow residential uses to occupy 31% of the street-level street-facing façade when facing an arterial. (SMC 23.47A.005 Street-Level Uses): The Code requires that residential uses may not exceed 20% of the street-level street-facing façade when facing an arterial.

The Board indicated they would be inclined to consider the departure as long as the lobby has glass and transparency.

Design Presentation: *(at the Recommendation meeting)*

The scope and scale of the project had not changed much from what was proposed at the EDG. The proposed structure will have 50 studio type units and three live-work units at grade. The partially underground garage accessed from the alley will have 11 parking spaces. There will be a roof deck amenity area and four private decks along the alley. The residential entry along Queen Anne Ave N will be recessed, providing a covered transition space from the public sidewalk to the private lobby.

The preferred option from the EDG meeting, with a C- shaped massing, was presented at the recommendation meeting.

At the meeting, the presentation focused on the building elevations and materials, specifically the street facing west elevation and the two side walls, and their relationship to the abutting right-of-way and adjacent properties. As the “temporary walls” of the north and south facades will be very prominent and may be there for a long time they generated public comment and Board critique.

Two departures were requested for consideration —

- to allow a greater percentage of residential use at the street facing façade, and
- to allow the live/work mezzanine area to have a ceiling height of less than 13’.

Public Comments *(at the Recommendation meeting)*

Three members of the public spoke at the Final Recommendation meeting. The following comments were offered:

- Would like the north and south “temporary” walls to be more neutral.
- Approves what the applicant has proposed for the north and south elevations. Would like some color so that walls don’t look like concrete.
- Encouraged the applicant to use some of the brick from the house on the site somewhere in the design or make reference to the history of the site.
- Encouraged the applicant to survey the existing landscaping and have it salvaged and reused off site.

DESIGN GUIDELINE PRIORITIES

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](#).

Site Planning

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

Uptown-specific supplemental guidance:

Throughout Uptown, major entrances to developments should be prominent. The use of distinctive designs with historical references is strongly encouraged. Design, detailing, materials and landscaping may all be employed to this end. Building addresses and names (if applicable) should be located at entrances, tastefully crafted.

At the Early Design Guidance Meeting, the Board discussed that the residential entry's needs to be well defined and clearly visible from the street.

At the Recommendation Meeting, the Board agreed that clarification of the residential entry is needed to differentiate it from the live-work units, perhaps use a frame with vertical louvers, an orange canopy different from the live-work units, and/or a different size door.

The emergency egress door should be seamlessly integrated into the façade.

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.*

At the Early Design Guidance Meeting, the Board discussed the exterior treatment of the façades. Materials and colors should be used to minimize the appearance of the façades — especially the north blank façade.

At the Recommendation Meeting, the Board expressed concern about the brightness and potential glare from the south wall.

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

At the Early Design Guidance Meeting, the Board discussed the need for a well design rooftop amenity 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.*

Uptown-specific supplemental guidance:

Throughout Uptown the preferred location for surface parking lots is in the rear of the building or away from or otherwise screened from the street and sidewalk.

Preferred Alley Access

Access to new development is preferred via alleyways, if feasible. Throughout Uptown encourage all parking for residential uses to be located below grade.

At the Early Design Guidance Meeting, the Board discussed their concerns with the recessed garage entrance being an inviting location ‘drinking or drugging’ activity.

The Board as a majority recommended that the vehicle access area be gated at the outer wall of the structure. And that the outer wall entrance corners are designed to add site triangles for drivers/pedestrians using the alley.

At the Recommendation Meeting, the Board expressed approval of the angled walls leading to the garage entry door.

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.*

Uptown-specific supplemental guidance:

In the Uptown Urban character area larger massing units and less modulation are appropriate, provided they are carefully designed, with quality materials.

At the Early Design Guidance Meeting, the Board discussed their concerns with the ‘box’ to the south. ‘Try to open it up.’

At the Recommendation Meeting, this was not addressed except for praise for the breakup of the front façade and treatment of the ‘difficult’ blank walls.

C. Architectural Elements and Materials

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.*

Uptown-specific supplemental guidance:

Within the Uptown Park and Heart of Uptown character areas, the use of historic-looking brick and tile facades are strongly encouraged to create a more consistent, unified, and historic appearance throughout the district.

Throughout Uptown, decorative exterior treatments using brick, tile, and/or other interesting exterior finish materials are strongly preferred. Quality exterior finish materials should be incorporated at all levels and on all exterior walls.

At the Recommendation Meeting, the Board noted they would like the south and the north wall to be a little darker in color than what was presented. Use more gray and keep the texture flat and the façade well detailed. Make sure that the concrete at grade level is treated with graffiti proof materials.

The Board liked the increased amount of glazing, the orange frame and sandblasted concrete on the west elevation.

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.*

Uptown-specific supplemental guidance:

Throughout Uptown entries should be designed to be pedestrian friendly (via position, scale, architectural detailing, and materials) and should be clearly discernible to the pedestrian.

Throughout Uptown special attention to the pedestrian experience and street right-of-way should be given along pedestrian corridors as identified on the map (pg. VI).

Throughout Uptown the use of a pedestrian-scaled streetlamp within all character areas is encouraged. In addition, streetscape features such as street clocks and benches are encouraged in Heart of Uptown and Uptown Urban character areas.

In the Uptown Urban and Heart of Uptown character areas, encourage Seattle Center campus redevelopment along its boundaries to either open vistas from Uptown into Seattle Center or to provide activation for the street.

Including amenities for transit riders in a building's design rather than the traditional use of curbside bus shelters generates a safer and more active street. In the Uptown Urban and Heart of Uptown character areas the elimination of curbside bus shelters is encouraged in retail areas as appropriate.

At the Early Design Guidance Meeting, the Board asked that the mezzanine portion of the live/work space extend over the top of the lobby.

At the Recommendation Meeting, the Board expressed support for the recessed residential entry. They liked the bench outside the entry and want to see it become more animated and interesting. Perhaps it could be framed or more vertical.

If lighting is provided use the Uptown Guideline specified lighting.

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.*

Uptown-specific supplemental guidance:

Within the Uptown Park character area landscaping (e.g., trellised climbing plants and other urban greenery) is the preferred treatment for walls.

In the Uptown Urban and Heart of Uptown character areas artwork and decorative surfacing may provide an alternative wall treatment to landscaping in some locations.

At the Early Design Guidance Meeting, the Board discussed the need for a well-designed façades. 'Can the concrete walls be enhanced/treated? Perhaps some further expression at the south facing concrete wall too.'

At the Recommendation Meeting, the Board expressed support for the vertical and horizontal reveals on the north and south elevations. They also liked the sandblasted concrete treatment at grade level. Also see C-4.

D-5 **Visual Impacts of Parking Structures.** *The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

Uptown-specific supplemental guidance:

Throughout Uptown designs that lessen the visibility of parking structures are preferred. Garages and parking structures should, where feasible, incorporate landscaping to reduce their visual impact.

Parking structures are discouraged in the Uptown Urban and Heart of Uptown character areas.

At the Early Design Guidance Meeting, the Board discussed the need for a secure and safe vehicle access.

At the Recommendation Meeting, the Board liked the way the garage entry had changed. See A-8.

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.*

At the Early Design Guidance Meeting, the Board discussed their need to see details on this. ‘How does garbage collection work?’

At the Recommendation Meeting, it was noted that the applicant had worked with SPU at getting a departure for the size of the service area.

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

At the Early Design Guidance Meeting, the Board discussed the need for a secure and safe alley vehicle access.

At the Recommendation Meeting, the Board liked the lighting and angled walls providing site triangles leading to the garage entry in the alley.

D-9 *Commercial [Residential entry and Live Work Unit] Signage.* *Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.*

Uptown-specific supplemental guidance:

Throughout Uptown tasteful signs designed for pedestrians (as opposed to passing vehicles) are preferred. Backlit signs, animated reader boards and similar signs are discouraged. Blade signs, wall-mounted signs, signs below awnings, and similar signs are preferred.

If the applicant is considering signage for the residential entry and the live/work units — then examples should be provide at the next design review board meeting.

At the Recommendation Meeting, this issue was not addressed.

D-10 Commercial [Exterior/Interior] 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.*

Uptown-specific supplemental guidance:

Uptown accommodates shopping and eating experiences during the dark hours of the Northwest's late fall, winter, and early spring. Pedestrian area lighting is an important feature of each block in the Uptown Urban character area, and the Heart of Uptown character area.

At the Recommendation Meeting, the Board recommended using lighting specified within the Uptown Neighborhood Guidelines in the planting area proposed near the entry.

D-11 Commercial [Live/Work] Transparency. *Commercial [live/work] 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.*

At the Early Design Guidance Meeting, the Board discussed their need to see details on this. The emergency entrance door should be made 'fun, not just a throw away.'

At the Recommendation Meeting, the Board liked the transparency and openness of the live/work units.

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.*

At the Recommendation Meeting, the Board liked that the residential entry was set back from the live/work entries. They also liked the bench outside the entry and want to see this become more playful. See D-1.

E. <u>Landscaping</u>

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.*

Uptown-specific supplemental guidance:

Throughout Uptown, but especially within the Uptown Park character area, landscaping should be substantial and include a variety of textures and colors, to the extent possible. Landscaping should be used to enhance each site, including buildings, setbacks,

entrances, open space areas, and to screen parking and other less visually attractive areas. Encourage planted containers at building entries.

E-3 **Landscape Design to Address Special Site Conditions.** *The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards*

DEVELOPMENT STANDARD DEPARTURES

Two departures from development standards were proposed.

1. **Residential uses at street level** (SMC23.47A.005 C.3.) Residential uses may not exceed in the aggregate 20% of the street-level street-facing façade when facing an arterial.

The project is proposing to have 30.6% (18'-4" of a 59'-8") of the ground level street facing façade be residential, including the lobby and emergency exit stairway. The only way to meet code would be for the lobby to shrink which the Board did not want to happen. The Board voted unanimously in favor of the departure.

2. **Nonresidential street level requirements** (SMC 23.47A.008 B.3.a.) Nonresidential uses shall extend an average of at least 30 feet and a minimum of 15 feet in depth from the street-level street-facing façade. Nonresidential uses at street level shall have a floor-to-floor height of at least 13 feet.

The project is proposing live-work units with a floor to floor height of 19' for the first 14', and a 10' height at the mezzanine. The Board voted unanimously in favor of the departure.

BOARD RECOMMENDATIONS

The recommendation summarized below 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, the Design Review Board recommended APPROVAL of the subject design. The Board stated the following areas need to be worked on further in conjunction with DPD staff:

- **The pedestrian entry along Queen Anne Avenue.**
- **The egress entry on Queen Anne Avenue should appear seamless and well integrated into the façade.**
- **Tone down the color of the exterior material on the north and south walls to be less white more neutral.**
- **If providing lighting along the street use the Uptown Guideline recommended lighting.**
- **It is outside the purview of the Board but perhaps neighborhood historical photos could be shown in the lobby.**

DECISION – DESIGN REVIEW

The Design Review Board conducted a Final Recommendation Meeting on September 19, 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 project were presented for the Board members’ consideration.

Board Recommendations

After considering the site and its context, hearing public comment, considering the previously identified design priorities, reviewing the plans and renderings showing the proposed revisions, and reviewing the requested departures, the Design Review Board members **unanimously recommended approval of the project’s design and recommended approval of the three departures requested, as outlined in the matrix below.** Five Design Review Board members attended the recommendation meeting. The recommendations summarized above were based on the packets/plans submitted.

Development Standard Departures Granted		
No.	Standard	Departure Approved
1	Residential uses at street level (SMC23.47A.005 C.3.) Residential uses may not exceed in the aggregate 20% of the street-level street-facing façade when facing an arterial.	The project is proposing to have 30.6% (18’-4” of a 59’-8”) of the ground level street facing façade be residential, including the lobby and emergency exit stairway. The only way to meet code would be for the lobby to shrink which the Board did not want to happen. The Board voted unanimously in favor of the departure.
2	Nonresidential street level requirements (SMC 23.47A.008 B.3.a.) Nonresidential uses shall extend an average of at least 30 feet and a minimum of 15 feet in depth from the street-level street-facing façade. Nonresidential uses at street level shall have a floor-to-floor height of at least 13 feet.	The project is proposing live-work units with a floor to floor height of 19’ for the first 14’, and a 10’ height at the mezzanine. The Board granted the departure.

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.

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.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction). Other agencies will provide adequate mitigation for the identified impacts, such as the Puget Sound Clean Air Agency (dust/air impacts during construction and demolition).

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](#)) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

The on-site structures will be demolished. Characterization of on-site building for lead paint and asbestos will be required prior to demolition. The project will be required to obtain a permit from the Puget Sound Clean Air Agency prior to a demolition permit being issued. Such additional study and the PSCAA permit will provide adequate mitigation of any potential SEPA impacts.

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.

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 significant, so mitigation is not required pursuant to SEPA.

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.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. However, the limitations of the Noise Ordinance are found to be adequate 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](#)), no mitigation other than compliance with the Construction Noise Ordinance is warranted.

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.

Construction Traffic

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This immediate area is subject to some traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse

impact to existing traffic will be introduced to the surrounding street system, which will not be mitigated by existing codes and regulations.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

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 en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

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. The proposed structure is located on an NC2-40 zoned site, and the structure conforms to zoning requirements, including height and bulk. 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).

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 not to 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 – SEPA

During Demolition, Excavation, and Construction

1. For the duration of the removal of the existing building, excavation of materials, and delivery of construction materials; the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.
2. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of the Master Use Permit

3. The applicant shall update the Plans to show a detailed drawing for the residential entry that shows a differentiation with the live-work units. Include the bench design and the vertical wall treatment leading into the residential entry. See Guidelines A-3 and D-1.
4. The applicant shall update the Plans to shows that the north and south facades use similar colors and will be a little darker in color than what was presented at the recommendation meeting. "Use more gray and keep the texture flat." See Guidelines A-5, C-4 and D-2.

During Construction

5. 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 the Certificate of Occupancy

6. Compliance with all imagines and text on the MUP drawings, as modified by this decision and approved by the Land Use Planner, shall be verified by the Land Use Planner assigned to this project. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that substantial compliance has been achieved.

Signature: _____ (signature on file) Date: December 13, 2012
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:drm