



**City of Seattle**

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**Department of Planning and Development**

Diane M. Sugimura, Director

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

**Application Numbers:** 3013699  
**Applicant Name:** Joe Giampietro of Nicholson Kovalchick Architects  
**Address of Proposal:** 4106 12<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow a seven story apartment building containing 108 units. Existing structure to be demolished.

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 September 20, 2012.

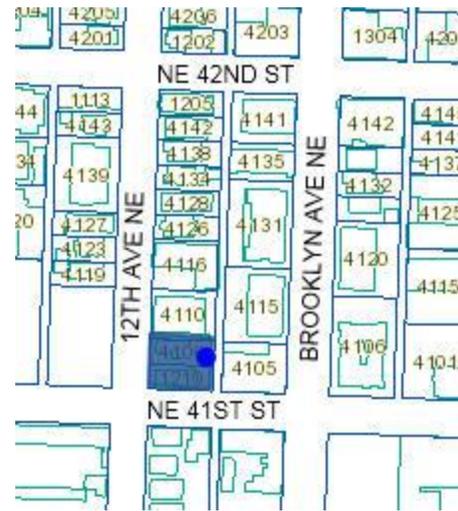
**PROJECT DESCRIPTION**

The applicant proposes to demolish the existing structure and construct a new seven-story residential structure with approximately 41,000 sf and 108 units. The ground floor contains utility, bike storage and day-lit units. No parking is required, and none is proposed. A green roof deck is proposed.

## SITE & VICINITY

The 8,240 square foot site is an 80 ft. x 103 ft. deep rectangular lot at the northeast corner of 12th Avenue NE and NE 41st Street. An improved alley runs along the east property line. A two-story, five unit apartment building exists on the south half; the north half is vacant. The site slopes approximately seven feet from the northeast corner to the southwest corner, which is the intersection of 12th Ave NE and NE 41st St.

The site is in the Midrise (MR) zone, the University District Northwest Urban Center Village overlay, and the Light Rail Station overlay. It is three blocks west of the UW campus gateway and the busy commercial corridor of University Ave. A mix of older apartments and commercial structures of various scales is adjacent to the east and north, while taller new university residences and buildings are adjacent to the south and west. This site is in a dense student/pedestrian district, with an existing bus transfer zone one block south, and a future light rail station two blocks north.



## ANALYSIS - DESIGN REVIEW

### EARLY DESIGN GUIDANCE (EDG)

The applicant presented an EDG design package to the East Design Review Board (DRB) on September 17, 2012.

The EDG and Recommendation Design Proposals include materials presented at the meeting, and is available online by entering the project number at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp) or by contacting the Public Resource Center at DPD:

**Address: Public Resource Center**  
700 Fifth Ave., Suite 2000  
Seattle, WA 98124-4019

**Email:** [PRC@seattle.gov](mailto:PRC@seattle.gov)

### Public Comments

No one from the public affixed their names to the EDG sign-in sheet.

**EDG Board guidance is incorporated into the Recommendation section below.**

## **MASTER USE PERMIT APPLICATION (MUP)**

The applicant revised the design and applied for a Master Use Permit with a design review component on October 22, 2012.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The East Design Review Board conducted a Final Recommendation Meeting on February 4, 2013 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**

One member of the public affixed their name to the Recommendation meeting sign-in sheet, but none spoke at the meeting.

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

The priority guidelines are summarized below, while all guidelines are still applicable. For the full text of all guidelines please visit the [Design Review website](#).

### **Site Planning**

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

#### ***University-specific supplemental guidance:***

*Context: Reinforcing the pedestrian streetscape and protecting public view corridors are particularly important site planning issues. Stepping back upper floors allows more sunlight to reach the street, minimizes impact to views, and maintains the low- to medium-rise character of the streetscape. Roof decks providing open space for mixed-use development can be located facing the street so that upper stories are, in effect, set back.*

*Guideline - Solar Orientation: Minimizing shadow impacts is important in the University neighborhood. The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts onto adjacent public areas between March 21st and September 21st. This is especially important on blocks with narrow rights-of-way relative to other neighborhood streets, including University Way, south of NE 50th Street.*

**At the Early Design Guidance Meeting**, the Board agreed the strong street wall along NE 41<sup>st</sup> street, shown in all options, was an appropriate response to the streetscape, assuming a positive design resolution of the ground plane transition (see D-1, D-12). However they cautioned that the long, tall street wall needed adequate relief and compositional interest, such as reveals, recessed windows and/or south facing sun shades.

**At the Final Recommendation Meeting**, the Board agreed the 41<sup>st</sup> Street patios, landscaping and ground plane design had been well resolved, but they remained concerned about the size, length and flatness of the upper façade along 41<sup>st</sup> (the façade on 12<sup>th</sup> was acceptable). They were not convinced by the fins shown on pg 20 as an Alternate design.

To create a more dynamic façade, the Board suggested the following compositional ideas: mid-scale window groups, and/or projecting window group frames (creating shadow and depth in the 18” setback zone), variation in the window mullion patterns, and/or “color blocks” in the frames or façade (but not staggering the windows like the new dorms across the street). They guided the applicant to work with staff to achieve the adequate degree of façade vitality and interest.

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

***University-specific supplemental guidance:***

*Context: Another way to emphasize human activity and pedestrian orientation, particularly along Mixed Use Corridors, is to provide clearly identifiable storefront entries. In residential projects, walkways and entries promote visual access and security.*

***Guidelines:***

- 1. On Mixed Use Corridors, primary business and residential entrances should be oriented to the commercial street.*
- 2. In residential projects, except townhouses, it is generally preferable to have one walkway from the street that can serve several building entrances.*
- 3. When a courtyard is proposed for a residential project, the courtyard should have at least one entry from the street.*
- 4. In residential projects, front yard fences over four (4) feet in height that reduce visual access and security should be avoided.*

**At the Early Design Guidance Meeting**, the Board discussed the best location for the primary entry, and decided the corner provides optimum pedestrian activation of the street realm, affording a tall, transparent lobby to the corner, and also supported the lobby elevation matching the street corner.

**At the Final Recommendation Meeting**, the Board applauded the design resolution with the tall, transparent lobby and its adjacent, activating office use at the corner.

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

***University-specific supplemental guidance:***

*Context: Pedestrian orientation and activity should be emphasized in the University Community, particularly along Mixed Use Corridors. While most streets feature narrow sidewalks relative to the volume of pedestrian traffic, wider sidewalks and more small open spaces for sitting, street musicians, bus waiting, and other activities would benefit these areas. Pedestrian-oriented open spaces, such as wider sidewalks and plazas, are encouraged as long as the setback does not detract from the “street wall.”*

**At the Early Design Guidance Meeting,** the Board agreed the corner plaza and adjacent leasing office supports human activity, and encouraged the landscape design to include seating, careful lighting and other welcoming features within the plaza.

**At the Final Recommendation Meeting,** the Board applauded the revised plaza with generous high and low lighting, integrated wood seating, paving patterns and social ambience.

- 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.

**At the Early Design Guidance Meeting,** the Board discussed this at length, and agreed the raised decks are strongly preferable, as long as they include scale and carefully designed railings that maintain “eye on the street”. The board was concerned that deep patios would appear as “moats”, and advised these be changed to light wells or double height units with no cut into the ground plane. Detailed cross sections showing curb, sidewalk, landscaping and architecture are required at each typical patio condition.

**At the Final Recommendation Meeting,** the Board was very pleased to see the “moats” along 12<sup>th</sup> deleted, and clear sections and sketches were appreciated. The Board supported the open cable railing design along 41<sup>st</sup>, and agreed those patios would provide privacy layering and valuable eyes on the street.

- 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.

***University-specific supplemental guidance:***

*Context: The Citywide Design Guidelines encourage buildings on corner lots to orient to the corner and adjacent street fronts. Within the University Community there are several intersections that serve as “gateways” to the neighborhood.*

*Guideline: For new buildings located on a corner, including, but not limited to the corner locations identified in Map 3, consider providing special building elements distinguishable from the rest of the building such as a tower, corner articulation or bay*

*windows. Consider a special site feature such as diagonal orientation and entry, a sculpture, a courtyard, or other device. Corner entries should be set back to allow pedestrian flow and good visibility at the intersection.*

**At the Early Design Guidance Meeting**, the Board discussed this corner site is not a map 3 gateway, and does not deserve a corner tower or special feature; the proposed plaza and tall overhang is acceptable. They support a more subtle acknowledgement of the corner, such as windows that wrap the corner.

**At the Final Recommendation Meeting**, the Board agreed the proposed corner plaza design and building above supported this guideline very well.

## **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.

### ***University-specific supplemental guidance:***

*Context: The residential areas are experiencing a change from houses to block-like apartments. Also, the proximity of lower intensive zones to higher intensive zones requires special attention to potential impacts of increased height, bulk and scale. These potential impact areas are shown in Map 4. The design and siting of buildings is critical to maintaining stability and Lowrise character.*

**At the Early Design Guidance Meeting**, the Board acknowledged this site is on an edge between the MIO and MR zones, and agreed the wide side/courtyard of Option C provides more daylight and spatial buffer to the adjacent apartment building to the north. To reduce shadow on north neighbors, the roofline and parapet of the building's north edge should be minimized and not be occupied roof deck.

**At the Final Recommendation Meeting**, the Board supported the departures that enable the generous north courtyard/buffer, and they agreed with the low parapet design and the roof deck staying off the north edges, as proposed.

## **C. Architectural Elements and Materials**

**C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. 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.

**At the Early Design Guidance Meeting**, the Board supported the basic 3 bar massing concept of option C, reinforced with clear separations at the open stairs and transparent

corridor ends. They agreed the composition of the north elevation is important as it is highly visible from 12<sup>th</sup> Avenue NE.

**At the Final Recommendation Meeting**, the Board agreed with the strong color and offsets of the 2 exterior stairs to define the 3 bars, and agreed the material joints and windows on the northwest corners made that elevation an acceptable composition.

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

**At the Early Design Guidance Meeting**, the Board discussed how the unit railings and exposed walls at grade should incorporate quality, human scale design, as well as the important aspects of the corner lobby and plaza (see A-4) and the southeast/alley corner (see D-2).

**At the Final Recommendation Meeting**, the Board applauded the scale and detail of ground level materials, railings, southeast green screen, and lush landscape design.

- 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.

***University-specific supplemental guidance:***

*Guidelines:*

- 1. New buildings should emphasize durable, attractive, and well-detailed finish materials, including: Brick; Concrete; Cast stone, natural stone, tile; Stucco and stucco-like panels; Art tile; Wood.*
- 2. Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim.*
- 3. The materials listed below are discouraged and should only be used if they complement the building's architectural character and are architecturally treated for a specific reason that supports the building and streetscape character: Masonry units; Metal siding; Wood siding and shingles; Vinyl siding; Sprayed-on finish; Mirrored glass.*
- 4. Where anodized metal is used for window and door trim, then care should be given to the proportion and breakup of glazing to reinforce the building concept and proportions.*
- 5. Fencing adjacent to the sidewalk should be sited and designed in an attractive and pedestrian oriented manner.*

**At the Early Design Guidance Meeting**, the Board supported the basic material palette verbally described, and encouraged the prime materials be consistently applied along street levels. They also agreed this could be a “companion” to a nearby residential building, while not identical in all color, material, and texture applications.

**At the Final Recommendation Meeting**, the Board supported the material palette, textures, samples and colors shown, including the blue stair railings and black Juliette balcony railings. They also endorsed the recessed black mesh fences along the alley and 12<sup>th</sup>.

## **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.

### *University-specific supplemental guidance:*

*Context: The University Community would like to encourage, especially on Mixed Use Corridors, the provision of usable, small open spaces, such as gardens, courtyards, or plazas that are visible and/or accessible to the public. Therefore, providing ground-level open space is an important public objective and will improve the quality of both the pedestrian and residential environment.*

**At the Early Design Guidance Meeting**, the Board agreed the corner plaza meets this objective, and supported the overhanging bar, as long as the tall proportion shown is maintained, and lighting is well integrated (see A-4, D-2).

**At the Final Recommendation Meeting**, the Board supported the corner plaza design as presented; the overhanging building bar provides weather protection.

**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.

**At the Early Design Guidance Meeting**, the Board agreed the southeast corner is a logical location for the transformer and solid waste rooms, but cautioned that an approximate 15x20 ft. tall blank wall is the maximum extent, and still requires a sophisticated design treatment to mitigate the blank wall. This includes the approximately 20 ft. wrap onto the alley frontage, which is very visible.

**At the Final Recommendation Meeting**, the Board agreed the two street elevations are well-resolved, and the green screen should wrap the southeast corner a distance, as it is very visible to pedestrians.

**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.

**At the Early Design Guidance Meeting**, the Board discussed how important lighting is; though this is not a commercial project, it is on busy student/pedestrian streets.

**At the Final Recommendation Meeting**, the Board supported the generous and safe lighting scheme as presented on pg 28 of the Recommendation booklet.

**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 Early Design Guidance Meeting**, the Board agreed this transition is crucial to buffer adjacent residential use from a busy sidewalk, and offer design relief from the large street walls above. The landscape design to soften the wall below the raised decks will be vital.

**At the Final Recommendation Meeting**, the Board applauded the landscape, wall and railing design along 41<sup>st</sup> as meeting this guideline.

## **E. Landscaping**

**E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

**At the Early Design Guidance Meeting**, the Board supported the inclusion of the loading zone and a highly permeable surface, and advised there be a direct access into the elevator corridor from the loading. They also encouraged the roof deck incorporate a range of landscaping and amenity features for the residents.

**At the Final Recommendation Meeting**, the Board applauded the entire landscape design, especially the mix of species in the courtyard and street setbacks, and the inclusion of small trees and permanent amenity features on the roof deck. They also supported the “casual” loading space along the alley, assuming move-in access through the trash room.

**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.

### ***University-specific supplemental guidance:***

*Context: The retention of existing, large trees is an important consideration in new construction, particularly on the wooded slopes in the Ravenna Urban Village. The 17th Avenue NE tree-lined boulevard is an important, visually pleasing streetscape.*

**At the Early Design Guidance Meeting**, the Board discussed the side courtyard was a valuable buffer more than an active use space, and encouraged the stepped walls be designed to maximize daylight into the north facing units, and select adjacent wall colors and species to maximize daylight penetration.

**At the Final Recommendation Meeting**, the Board supported the stepped walls, landscaping, open railings and light silver wall colors as shown.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the February 4, 2013 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 February 4, 2013 public meeting.

**Subsequent to the Recommendation meeting and in response to the Board's recommendations, the applicants revised the following:**

- **the design of the south façade on NE 41<sup>st</sup> Street, by incorporating contrasting mullion panels which create window groups and a more complex composition. These changes satisfy the DRB guidance.**
- **the design of the southeast corner to wrap the green screen along the ground floor alley frontage. This satisfies the Board guidance.**

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three 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).

The Board's recommendation on the requested departure(s) are based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s).

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

1. **Front Setback (SMC 23.45.518.B):** The Code requires a 5 ft. minimum /7 ft. average setback. The applicant proposes a 2'-3" setback along a 25 ft. portion of 12th avenue NE, the remainder at 7 ft.; resulting in an average of 5'-6" for the whole facade.

**The Board voted unanimously in recommendation of this departure, as the 25 ft. projecting corner bar supports Design Guideline A-10 - Corner Lots, and D-1 – Pedestrian Open Spaces, and the rest of the façade is setback more than the minimum, and so consistent with adjacent existing structures.**

2. **Rear Setback (SMC 23.45.518.B):** The Code requires a 10 ft. setback off the alley. The applicant proposes a 7'-7" setback for a 40 ft. portion, and 5'-4" for the remaining 19 ft.

**The Board voted unanimously in recommendation of this departure, as it creates a more consistent street wall along the pedestrian busy 41<sup>st</sup> Street (A-2- Streetscape Compatibility).**

- 3. Side Setback interior lot line (SMC 23.45.518.B):** The Code requires a 5 ft. minimum/7 ft. average setback for portions 42 ft. or less in height; 7 ft. minimum/10 ft. average for portions above 42 ft. height. The applicant proposes a 30 ft. wall length at 6'-8", full height, just shy of the 7 ft. minimum; the rest of the side wall is setback 20 ft.

**The Board voted unanimously in recommendation of this departure, especially since the rest of the interior wall sets back significantly, improving light and air to the adjacent property (A-5 – Respect for Adjacent Sites).**

### **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 three Board members and the recommendation to approve the design, as stated above.

### **DECISION - DESIGN REVIEW**

The proposed design is **GRANTED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 13, 2013. 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 Stormwater Code (SMC 22.800-808),

the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, grading, construction impacts, traffic and parking impacts as well as mitigation.

### Noise

Noise associated with construction of the building 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, in particular the student residences existing across the streets on two sides. 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. This will assure proper handling and disposal of asbestos.

### Grading

Excavation to construct the structure will be necessary. The maximum depth of the excavation is approximately 13 feet and will consist of an estimated 1,215 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. 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 14 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 location of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need to provide a Construction Worker Parking Plan to reduce on-street parking. 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 1,215 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 120 round trips with 10-yard hauling trucks or 60 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 adjacent to the project site. 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 surface; increased bulk and scale on the site; increased traffic in the area; and increased demand for parking.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater 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, green house gas emissions, historic preservation, traffic and parking impacts warrant further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction 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 existing structure, built in 1952 and thus over 50 years old, was reviewed by the Historic Preservation Program, Department of Neighborhoods who determined that it is unlikely that it would meet the standards for designation as an individual landmark (Reference November 28, 2012 letter from City of Seattle Historic Preservation Program).

### Transportation

A traffic impact and parking analysis was prepared for the project by Gibson Traffic Consultants. The analysis reports the generation of 410 new daily trips, 29.3 new AM peak hour trips, and 38.3 new PM peak-hour trips, beyond existing conditions. The additional traffic added to the roadway system at peak times and the distribution of the traffic both north and south of the site does not exceed acceptable volume/capacity ratios. No adverse transportation impacts are anticipated from the development of the project.

### Parking

The traffic and parking study prepared for the project used vehicle ownership data for nearby Census tracts to estimate the likely auto ownership rate for residents of this proposed development. Based on a derived rate of 0.52 vehicles per unit, the 108 apartments could

generate a parking demand of roughly 56 vehicles. However, given the project's proximity to the University of Washington and the targeted residential population being students, the actual auto ownership rate and parking demand is expected to be much lower.

As the development will provide no on-site parking, Gibson Traffic Consultants identified parking lots in the vicinity of the site that provide overnight public parking. As the University District is a walkable neighborhood with few barriers to pedestrian activity, parking lots within a quarter-mile of the site were included. A total of seven University of Washington parking lots and four private lots were identified. The University of Washington lots near the project site have several hundred parking spaces, while the public lots have roughly 100 spaces. The University lots are available from 9 P.M. to 6 A.M. on weekdays and from noon on Saturday until 6 A.M. Monday morning; residential parking demand typically peaks on evenings and weekends.

Recent development patterns in the University District include several residential projects with little or no parking. Some of these projects are UW student housing projects, where auto ownership is expected to be very low. Some increased parking demand is expected to result from the non-University residential developments, although proximity to the University, good transit service, and a walkable neighborhood is likely to result in fairly low auto ownership rates. As documented by the parking analysis for this project, several University and private parking lots provide parking opportunities for residents who own cars. No significant adverse parking impacts are anticipated from the proposed development, or from cumulative impacts of other nearby residential projects.

### **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**

1. Revise the design of the south façade on NE 41<sup>st</sup> Street, to incorporate contrasting mullion panels which create window groups and a more complex composition.

2. Wrap the green screen around the southeast corner and along the ground floor alley frontage.

*Prior to Building Application*

3. Include a 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 Issuance of all Construction Permits*

4. 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*

5. 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 Land Use Planner assigned to this project (Garry Papers, 206.684.0916). An appointment with the assigned Land Use Planner must be made at least seven (7) 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*

6. Any proposed changes to the exterior of the building or the site or must be submitted IN ADVANCE to DPD for review and approval by the Land Use Planner (Garry Papers, 206.684.0916). 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

7. 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, and a Construction Worker Parking Plan, construction materials staging area; truck access routes to and from the site for excavation and construction phases, stipulate no construction traffic staging or idling on streets adjacent to residential windows, and sidewalk and street closures with neighborhood notice and posting procedures. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 P.M. The intent of the Construction Worker Parking Plan is to reduce on-street parking.

During Construction

8. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 A.M. to 7 P.M. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 A.M. and 7 P.M. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the undersigned Land Use Planner at least 3 days in advance of the requested dates in order to allow DPD to evaluate the request.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Garry Papers, (206-684-0916) 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: July 11, 2013  
Garry Papers, M.Arch, NCARB  
Senior Land Use Planner  
Department of Planning and Development

GP:rgc