



City of Seattle
Edward B. Murray, Mayor

Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 3015117
Applicant Name: Radim Blazej, CARON Architecture, LLC, for 36 Fremont Green LLC
Address of Proposal: 3601 Greenwood Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story, 66 unit residential building with 3,500 sq. ft. of retail/ commercial space and one live/work unit at grade. Parking for 16 vehicles will be located within the structure. Existing structures are to be demolished.

The following approvals are required:

SEPA Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)

Design Departure Granted: SMC 23.47A.008.D.2-- requires the floor of a residential unit located along the street-level, street-facing façade to be at least 4 feet above or below sidewalk grade or set back 10 feet from the sidewalk. The applicants are proposing the floor of the residential unit adjacent the sidewalk that will vary between 1 and 3 feet below sidewalk grade.

SEPA Determination: Exempt DNS MDNS EIS

DNS with conditions

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

ANALYSIS – DESIGN REVIEW

Early Design Guidance Meeting –July 22, 2013

Architects’ Presentation

Three alternative design schemes were presented by architect Radim Blazej at a *en plein air* design review meeting held outside Ballard High School on the evening of July 22, 2013. Each of the options included structures generally occupying the entire site, with commercial space at the ground level facing N.36th Street and wrapping the corner with Greenwood Avenue N.

The first scheme (Option A) showed a mass set back from the west property line above the first level and with the top floor set back from N. 36th Street. The scheme provided a uniform face pulled to the property line along Greenwood Avenue N. and with vehicular access midway along the Greenwood Avenue façade.

The second scheme (Option B) showed a similar massing, except the upper floors were not pulled back from the west property line except for the northwest corner where there was a substantial notch carved into the top three floors. Vehicle access, as in the first scheme, was located at the midpoint along the Greenwood Avenue façade.

The third scheme (Option C) showed the bottom floor pulled back at the corner of Greenwood Avenue N. and N. 36th Street and the topmost floors pulled back from N. 36th Street along its entire length. A thin vertical notch, originating about three-quarters of the way to the north property line along Greenwood Avenue N. and perceptible as a wedge removed from the massing, extended diagonally from the east to the west property lines. This allowed for an amenity, open-space area above the podium level that was open to the west. As in the other two schemes, parking access was from the midpoint along Greenwood Avenue N.

The applicant noted that none of the schemes would require departures from development standards.

See the EDG packet and recommendation packets available at:

[Design Review website.](#)

Public Comment

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

- Noted that there was already a difficulty for residents and customers of businesses in the area to find street parking and the scant number of parking spaces proposed for this project could only exacerbate the problem.
- Residents of the town houses directly to the north of site voiced concerns regarding the privacy of their units and about being literally overshadowed by the proposal.
- The proprietor of the George & Dragon eating and drinking establishment located directly to the west of the proposal voiced concerns about competition for parking and the impacts on his business which relied on utilizing the outdoor serving areas during the summer month. Their customers included soccer fans who would occupy the outdoor areas for viewing world cup final matches over the course of a month mid summer.

PRIORITIES & BOARD RECOMMENDATIONS

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

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.**

The Board was particularly concerned about two relationships, that of the proposed structure to the townhouses to the north and that of the proposed amenity space to the outside courtyard of George & the Dragon. In developing the design the applicants should take steps to enhance the compatibility of these physical and social relationships.

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

- 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 the comments under A-1 above. The Board noted that they would like to have the applicants explore what tweaks to the massing might minimize any disruptions of privacy for the townhouses and to the outdoor activities anticipated in the George & Dragon courtyard.

- 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.**

The Board anticipated more detail on commercial entries and the treatment of the street frontages, especially as the presentation packet offered suggestions of some bold moves to enhance the vibrancy of the streetscape.

B. Height, Bulk and Scale

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

The Board was particularly interested in how the design development would address the residential zone to the north and how the applicant might explore ways in which the proposal could interface amicably with the existing neighbors.

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.**

Although there was some discussion among the Board members about opening a courtyard along the east face of the building, it was generally agreed to and affirmed by the Board that the preferred Scheme C, with an architectural slice partially removed along the west massing showed the most promise. The applicant was encouraged to proceed in that direction with refinements as needed.

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

This was affirmed by the Board as being of highest priority, but without more detail.

D. Pedestrian Environment

- 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.**

This guideline was selected by the Board in particular with regards the possibility of providing vegetative walls along the north and west lower wall levels.

- 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.**

This was noted as of particular concern regarding the portion of the proposed structure that would address the George & Dragon outdoor courtyard.

- 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.**

The public comment had raised some questions regarding location of dumpsters, related noise, etc. The applicant had noted that the commercial dumpster would be located facing Greenwood Ave. N. and would be screened by an attractively designed gate.

- 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.**

The applicants noted that they would be requesting a departure from the requirement that entries to ground level residential units must be located above or below grade and the Board indicated that they believed that to be a “reasonable” request and that they were open to it. It should be noted, however, that the actual recommendation by the Board of the granting of specific departures must await the return of the proposal to the Board at the time of a recommendation meeting and would depend upon the applicant’s responses to the identified guidelines and Board’s guidance.

E. Landscaping

- 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.**

As noted under Guideline D-2 above, the Board was concerned about the possible need for vegetated walls along the periphery of adjoining properties and noted they would have a particular interest in a refined landscape proposals intended for the setback area abutting the north property line.

Development Standard Departures

The Board’s recommendation on the requested departure(s) will be 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). The Board’s recommendation will be reserved until the final Board meeting.

At the time of the Early Design Guidance meeting, the following departure was requested:

1. SMC 23,47A.008.D.2 (*The floor of a dwelling unit located along the street-level street-facing façade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.*) The applicant proposes the entry to a residential unit(s) less than 4 feet below grade.

Board Direction

At the conclusion of the EDG meeting, the Board recommended the project should move forwards to MUP Application in response to the guidance provided at this meeting.

INITIAL RECOMMENDATION MEETING: February 24, 2014

Design Presentation

Design development had refined the third massing scheme as shown at the Early Design Guidance meeting. The third scheme as originally presented at the Early Design Guidance meeting had shown the bottom floor pulled back at the corner of Greenwood Ave. N. and the topmost floor pulled back from N. 36th street its entire length. There was a thin vertical notch extending from the ground through the top floor approximately three-quarters of the distance from the intersection corner which appeared as a larger slice or wedge removed from the massing, partially in-filled but allowing for an amenity space above the podium level that was open to the west. This, the preferred scheme, also showed vehicular access at approximately the midpoint along Greenwood Ave. N.

The refinements to the preferred scheme, as presented at the recommendation meeting, deviated from the earlier massing in that the ground floor was not recessed along N. 36th Street, nor at the intersection with Greenwood Avenue N. Instead of the top floor, being pulled back from N. 36th Street, the top two floors were set back from N. 36th Street. The vertical slice and wedge allowing for a plaza above the podium level and opening to the west, with refinements, was generally as had been presented at the EDG meeting. For details, see the packets from each meeting, available on the DPD-Design Review website:

[Design Review website.](#)

After the design team's presentation and time for clarifying questions, comments were elicited from members of the public attending the meeting.

PUBLIC COMMENT

Approximately six members of the public attended the Recommendation meeting. The following comments, issues and concerns were raised by the public:

- It was noted that there was already a difficulty for residents and customers of businesses in the area to find street parking and the scant number of parking spaces proposed for this project would exacerbate the problem.
- A resident in the town houses directly north of the proposed project voiced concerns about the privacy of his unit and about being literally overshadowed by the new structure, as well as concerns about the impacts on available parking, especially for guests.

- A representative of the George & Dragon establishment located directly to the west of the proposal, as he had at the EDG meeting, voiced concerns about the effects of demolition and construction activity on his business establishment and customers. He voiced special concern regarding the proposed courtyard overlooking the G&D outdoor patio where patrons watched TV broadcast matches and the impacts on a business that relied upon using its outdoor space during the less inclement months as an extension of their establishment where and their customers ate, drank and watched soccer games. He was concerned that customers could be adversely affected by the close proximity to the proposed new residential units and wanted to minimize tensions or conflicts between his patrons and neighbors, and vice-versa.
- The west wall, especially the southernmost extension, will be very visible for those travelling east on N. 36th Street and needed greater attention given its appearance; art or a mural might be appropriate treatments.

BOARD DELIBERATIONS

During the period allowed for clarifying questions from the Board, members of the Board had inquired into the following (and offer comments, given in parentheses):

- Why use brick in the columns on the commercial level? (The use of brick is incongruous with the materials used elsewhere in the project.)
- Railing material on south elevation? Vertical orientation on lower? Horizontal orientation on upper? Canopy materials? Band above the canopy? Brown wall material at the north elevation? (Lagging) Will the steel pilings be exposed as a vertical element as well? The wood siding material on the building itself?
- How making bike stalls are being provided? Will there be short-term bike parking for patrons of the commercial uses located outside the garage?
- How high and deep is the landscaped area at the edge of the patio overlooking George & Dragon? How tall will the plantings be? Explain the general landscaping plan for the area between the structure and the property line at the north.
- Height of the walls on the west overlooking George & Dragon? Exact location of the G & D signs anent the proposed wall?
- Why locate the bedrooms in the prominent corner of the building at N. 36th and Greenwood? (Having bedrooms with limited glazing seems too timid a move.)

The Corner Several of these questions were followed up during the Board's deliberations. First was the alignment of the residential floor plans above the first floor and the effect that placing bedrooms at the corner had on the design. In effect, the building "turned its back" on the neighborhood and provided a situation lacking a desirable "eyes on the street." The units needed greater openings at the corner and the living rooms belonged there, not bedrooms. The corner was thought to be the "weakest part" of the overall design of the building. The Board would expect to see a stronger street presence at the southeast corner of the building, at the upper residential floors. This would appear to necessitate providing living area at the corner units

Ground Floor The vertical brick pilasters on the ground-floor, commercial level were at odds with the pronounced horizontality of the upper floors. Brick did not appear to be the proper choice in materials; the Board found the rationalization regarding contextual considerations of

Fremont brick usage to be weak; the choice of brick struck the Board as being “too arbitrary.” Wood or concrete might be preferable as materials. The commercial frontage, it was suggested, could be all glass, with structural elements interior to the glass, or the entire lower level façade could respond to other elements of the Fremont look. It should echo the horizontality of the upper floors in some way. The perspective showing the residential entry and the bike rack is “anywhere USA”; it falls with a thud.

Blank West Wall The Board thought that the blank wall on the west façade needed further attention. While unavoidable, the blank wall along the west façade still requires design treatment to reduce pedestrian discomfort and, since highly visible, to increase visual interest along the street scape. The Board was not convinced that the proposed treatment had exhausted the possibilities for a design that promoted pedestrian comfort and visible interest. Although the possibilities may be limited, there remained opportunities that needed further exploration. The EVO building, further west on N. 36th Street, was mentioned as an example of an art treatment of a highly visible blank wall.

Deck Design The low level of landscaping at the western edge of the upper roof amenity space does not provided a sufficient buffer to prevent residents from obtruding themselves into the G & D outdoor serving areas. The general design of the rooftop deck lacks detail, but nonetheless is unconvincing as an attractive amenity area or well-functioning space. While the lower amenity area, open to the west, seems to provide a sufficient buffer area at the western edge, a section through the space and through the entire property to the west would be useful to aid in the Board’s deliberation. In addition to the landscape buffer, add some type of screening/fence atop the wall at the slice through the building, probably of wood to match the other “slices” and with greater openness as it increases in height. (No powder-coated aluminum.)

Likewise, at the north property line, there seems to be an adequate landscape buffer between the proposed structure and the town homes to the north. A question was raised regarding the alignment of windows with those in the town homes. More detailed views and cross sections of the retaining wall and plantings, continuing to the floor levels of the neighboring structures to the north would be most helpful in confirming this. More details and specificity are needed. The trees at the low courtyard should be shown in section. There should be an addition of vines growing down the western portion of the north wall.

Deck Railings and Bike Racks The deck railings along N. 36th Street need further scrutiny. Why is the pronounced horizontality of the rooftop handrail not matched with a more pronounced horizontality of the hand rail at the third floor? Why powder-coated aluminum railings off the shelf when architectural consistency would suggest a more industrial or other look?

There should be short-term bike parking easily available for patrons of the commercial uses.

Departures A Departure was requested from SMC 23.47A.008.D.2, which requires the floor of a dwelling unit locate along the street level, street-facing façade to be at least 4 feet above or below sidewalk grade, or set back at least 10 feet from the sidewalk. As they had at the EDG meeting, the Board indicated that they thought the departure was a reasonable request. The actual recommendation by the Board for granting this request must await the return of the proposal to the Board for a second recommendation meeting and would depend upon the applicant's responses to the Board's guidance given at the interim recommendation meeting and the compatibility of the forthcoming with the Design Review Guidelines.

FINAL RECOMMENDATION MEETING: APRIL 28, 2014

At the Final Recommendation Meeting, held at 8:00 PM on Monday, April 28, 2014, the applicants addressed the list of items that the Board had identified at the February 24, 2014 Interim Recommendation Meeting as outstanding issues regarding the design of the proposal. See the packet from the Second Recommendation Meeting, available on-line at the DPD Design Review website, for details of the applicants' responses.

[Design Review website.](#)

The Corner:

The floor plans had been revised to locate living rooms rather than bedrooms at the southeast corner of each of the upper floors. The exterior of the building was modified to provide a stronger corner delineation with large openings highlighted with wood-like, plank-like accent composite panels materials. The Board agreed that these were the correct moves and those they had indicated at the earlier Recommendation meeting were needed to establish a strong urban corner to the structure.

Ground Floor

The Board had indicated that the first floor brick pilasters were at odds with the pronounced horizontality of the rest of the design. Instead of brick the pilasters were bare concrete with horizontal score lines recurring at each foot of elevation. The Board acknowledged the change as an improvement and a strong response to the Board's guidance given at the earlier recommendation meeting.

Blank West Wall

Although no fenestration is possible along this shared property line, the design team had provided an inset notch at the top floor, continuing the accent materials of the window facing onto N. 36th Street and allowing them to wrap around to the west-facing façade. In addition to other horizontal insets of accent material at each floor level, the south edge of the fence atop the amenity notch at the second floor level was recessed into the west wall, creating the further visual interest the Board had called for at the earlier recommendation meeting. After some discussion about the visibility and monochromatic treatment of the northernmost section of blank west-facing wall, located above the George & Dragon pub, it was agreed by the Board members that the overall treatment of the west façade met the Board's directives to the design team to create visible interest along the west edge of the development.

Deck Design

The Board had requested additional landscaping materials along the west edge of the second floor and rooftop decks to provide further buffering of those amenity areas from the outdoor gathering areas of the George & Dragon. Additional planting materials had been added to the deck areas and an 8-foot high fence had been added above the second-floor area. The Board noted that a pathway of pavers on the second floor amenity area continued all the way to the fence at the western edge and requested that the bamboo planting area be expanded all along the western edge of the deck. The applicants agreed to this and to adjusting the sliding-door entry to the deck area of the adjacent unit to accommodate the extended planting area while still ensuring access to the deck from the unit. With those amendatory moves agreed upon, the Board indicated their approval of the design of the two deck areas as well as their approval of the landscaping buffer proposed for the area between the new structure and the town homes located north of the property line.

Deck Railings and Bike Racks

The Board had requested that the pronounced horizontality of the rooftop handrails be incorporated into the handrail at the third floor. The response had been to match the rooftop and third-floor handrails with 18-inch tall perforated metal railings set above a solid parapet. The Board had requested short-term, on-street bike parking for patrons of the ground-floor commercial uses. The applicants responded by locating bicycle parking along the N. 36th Street right-of-way, which will require SDOT approval.

Departures

The applicants had earlier requested a departure be granted from SMC 23.47A.008.D.2, which requires the floor of a residential unit located along the street-level, street-facing façade to be at least 4 feet above or below sidewalk grade, or set back at least 10 feet from the sidewalk. The residential unit at the northeast corner of the building is accessed from a stair connecting a below-grade patio entry to the unit and ascending to the sidewalk on Greenwood Avenue N. which sits 4-feet above the patio. Because of the topography of the site and sidewalk, the actual floor level of the unit which abuts the sidewalk varies between 1 foot and 3 feet below the sidewalk grade. The Board had earlier acknowledged that they believed the departure request to be a reasonable one, better addressing the intention of Guidelines A-6 and D-12, optimizing privacy and security while enhancing transitions between street and residential uses. In light of these considerations and several other design gestures, favorably responding to the guidance given by the Board at the earlier recommendation meeting, the Board unanimously recommended approval of the requested departure.

Public Comments

The proprietor of the *George & Dragon* pub, located directly west of the development site, addressed the Board with his observations, as he had at the Early Design Guidance and Interim Recommendation meetings. As on those occasions, he expressed a desideratum regarding a peaceful co-existence prevailing between patrons of the pub and residents of the proposed development. He was particularly concerned that the fence proposed above the second-floor area was not quite high enough and that the thickened landscaped edges of each of the residential amenity areas were not quite thick enough. He remained guardedly pessimistic that the earlier design moves calling for a west-facing open notch above the second floor and the expansive deck area atop the building would assure a desired amicability between sites.

BOARD DELIBERATIONS

As noted above, the Board was pleased with each of the design changes undertaken by the project's proponents in response to the guidance given at the Recommendation meeting on February 24, 2014. After brief deliberations the Board voted a unanimous recommendation of approval of the project as presented and a unanimous recommendation to grant the requested departure from development standards.

ANALYSIS & DECISION- DESIGN REVIEW

The design review process prescribed in Section 23.41.014F of the Seattle Municipal Code and describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board recommendation:

- a. Reflects inconsistent applications of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- e. Conflicts with the requirements of state or federal law.*

Director's Analysis and Decision

Five members of the Design Review Board provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that would be critical to the project's overall success. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made at the Recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project as presented at the April 28, 2014 meeting would result in a design that best meets the intent of the applicable Design Guidelines. Therefore, the Director accepts the Design Review Board's recommendations and their approval of the design and **APPROVES the proposed design and the requested departure.**

Design Review Conditions

See below.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project exceeds the 12,000 square feet size threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated April 10, 2013. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist which was submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SM C 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 4,500 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, and removal of debris and regulates obstruction of the pedestrian right-of-way.
- PSCAA regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Most short-term impacts are expected to be minor, and compliance with existing applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. For example, the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes, and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of drainage, grading, traffic, circulation and parking, noise, and greenhouse gases is warranted.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

Construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. Section 22.170.200 of the Seattle Grading Code applies both to permanent and temporary protection of, and encroachment on, adjoining property during construction except as specifically limited. This includes the requirement to obtain agreements or easements authorizing encroachments on adjoining properties. Adjoining properties shall be protected from encroachment or collapse. Otherwise all grading and other land disturbing activity is limited to occur entirely within the site. Any application for grading or shoring must demonstrate full compliance with the Code.

The Stormwater, Grading and Drainage Control Code 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 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.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The construction activities will require the removal 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 materials to the site will generate truck trips.

During demolition and construction, the existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. For the removal and disposal of the spoil materials, the 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 to minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires and removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction, whenever possible.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases must be approved by SDOT, as must be any sidewalk or street closures with neighborhood notice and posting procedures specified.

Noise

All construction activities are subject to the limitations of the Noise Ordinance. However, given the proximity of the site to existing residential uses, additional restrictions are warranted. 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 6 p.m. and to Saturdays between 9 a.m. and 6:00 p.m. No construction will be permitted on Sundays. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Greenhouse Gas Emissions

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

Long-Term Impacts — Use-Related Impacts

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (25.05.675.G) states that:

“...the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”

In addition, the Policy states that:

“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.”

The proposed development would proceed according to Land Use Code standards for the proposed zone. The development as a whole will be in keeping with the scale of development anticipated by the goals and policies for the existing zoning and the Comprehensive Plan. In addition, in approving the project, the Design Review Board gave particular attention to the height, bulk and scale relationship of the proposal to its surroundings. There is no evidence that height, bulk and scale impacts have been inadequately mitigated through the Design Review Board process. Therefore, no mitigation of height, bulk and scale impacts is warranted pursuant to SEPA.

Traffic and Parking

The proposed development is estimated to generate approximately 32 2-way trips per day for residential use and an undetermined additional number of trips per commercial uses. Peak volumes of residential traffic are expected to occur during typical peak hours of 6:00 a.m.- 8:00a.m and 4:00p.m. to 6:00p.m. While these impacts may be adverse, they are not expected to be significant as they affect existing and future 2016 conditions. The project is close to transit and will provide 32 interior bike storage spaces as well as bicycle parking in the right-of-way to encourage alternatives to single occupancy vehicle use for the commercial use. No further mitigation through SEPA authority appears warranted.

Greenhouse Gas

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

DECISION — STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

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

CONDITIONS DESIGN REVIEW

Prior to Issuance of a Certificate of Occupancy

1. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of April 28, 2014, except for any alterations made in response to the recommendations of the Board and incorporated into the plan sets re-submitted to DPD prior to issuance of the Master Use Permit. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, and landscaping, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner shall be made at least five (5) working days in advance of the inspection.

CONDITIONS – SEPA

During Construction

2. The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 7:00 p.m., and between 9:00 a.m. and 7:00 p.m. on Saturdays. All construction activities remain subject to the construction noise ordinance (SMC 25.08.425).

Signature: _____ (signature on file) Date: June 19, 2014
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:drm

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