



City of Seattle
Edward B. Murray, Mayor

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

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

Application Number: 3015549

Applicant Name: Vincent Ferrese, Encore Architect for JJPB Champion, LLC

Address of Proposal: 124 Denny Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story structure containing 75 residential units, 6 live/work units and 2,550 sq. ft. of commercial space. Parking for 50 vehicles to be provided. Existing structures to be demolished.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

Development Standard Departure from driveway requirements. (SMC 23.54.030.D.1.c)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

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

Nearby Zones: Across Denny Way to the south is the downtown zone DMC-65. The blocks surrounding the site to the west, north and east are zoned NC3-65.

Lot Area: 14,400 square feet.

Environmentally Critical Areas: None

Access: The site is bordered by Denny Way to the south, Warren Ave N to the east and an improved alley to the west.

Current Development: The site is currently developed with a commercial structure built in 1957 that is single story fronting Denny Way and two-stories at the rear of the site.

Surrounding Development: Directly to the north is a 6 story apartment building completed in 2007. Across the alley to the west is an early 20th century single story brick commercial structure and surface parking. To the east across Warren Ave N. is a three story community center and parking garage for First Methodist Church completed in 2009, and a 5 story mixed use structure built in 2002. Across Denny in the DMC zone is a triangular single story commercial structure constructed in 1929. This site is currently under construction to build a six-story mixed use structure. The northwest corner of the block is also under construction of a six-story mixed use building.

Neighborhood Character: The character of the two abutting project streets is very different. Denny Way is a busy east/west arterial that is also the northern boundary of 'downtown'. This part of Denny Way has mostly mixed use structures with small retail uses on the ground levels. In contrast, Warren Ave N is a shady quiet residential street populated by older brick and a few newer apartment structures. Seattle Center is a few blocks to the east.

Project Description: The proposed structure will have 5 stories of residential units over a ground level with 2,550 sq. ft. of retail space, 4 residential units and 3 live work units. The 2nd level has three live/work units along with residential units. The residential pedestrian lobby is located at the corner of Denny Way and Warren Ave N. Parking for 50 vehicles will be provided below grade. Approx. 6,900 cubic yards of excavation is proposed.

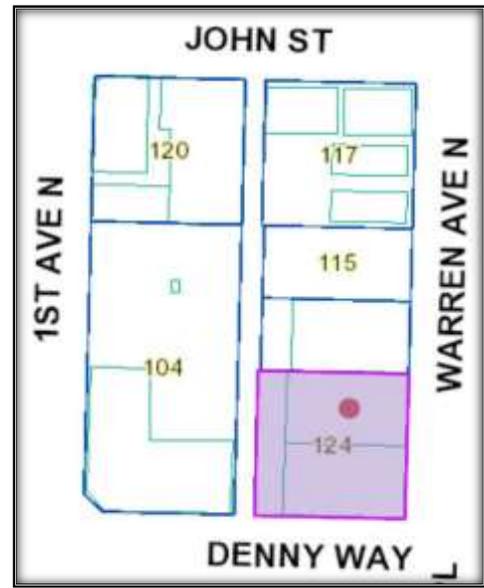
Amenity area for the residents will be provided on a landscaped amenity terrace roof deck along the southern portion of the roof. The residential and live/work units on the 1st floor will have access to private patios.

DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: March 26, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number 3015549 at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.



The packet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

The following comments, issues and concerns were raised during the public comment portion of the Initial Early Design Guidance meeting:

- Noted that the site is in an area that is being considered for changes to the Land Use Code.
- Supported the corner treatment.
- Encouraged more retail area at grade.
- Supported the alley ‘townhouses’.
- Concerned about security in the alley.
- Encouraged the building setbacks.
- Encouraged building lighting on the sidewalks.
- Stated that more parking should be provided.

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.

EARLY DESIGN GUIDANCE:

- 1. Massing, Modulation and Facade Composition: The Board was pleased with the proportions of the project and directed the applicant to proceed with the preferred Concept B. The Board noted the preferred option massing was ‘broken’ into a northern section with setbacks from the street and alley, and a southern section along Denny Way. The Board gave the following guidance. (CS2.III.i, DC2.B.1, CS2.D.1)**
 - a. The massing of the preferred option is appropriate and relates well to the residential structure to the north. (CS2.D.1)
 - b. Keep the modulation as shown. The north portion of the structure seems more modulated for residential use, the south ‘piece’ has less modulation. (CS2.IV.iii)
 - c. The Board noted that given the shifting of the street grid at Denny the alley corner will be prominent, especially from Bay St. The corner treatment is very important and does not need to be treated the same as the corner at Warren Ave N.(CS2.A.2, CS2.C.1, CS2.III.i)
 - d. Maintain the setbacks of the north section of the structure. (DC3.A.1)
 - e. Work out how the facades of the two sections will relate to each other using datum lines and accent panels. (DC2.B.1)

- 2. Street Level and Entries: The Board expressed that the connection between the street and the structure needs to be carefully considered. (CS2.B.2, PL2.II.i-iv, PL3.A.4)**
 - a. Maintain the proposed retail use on Denny Way. (CS2.I.i, PL2.I.ii)
 - b. The retail façade treatment should turn the corner and extend into the alley. (CS2.C.1, PL3.C.1)
 - c. The residential lobby entry needs further study and design. (CS2.III.i, PL2.II.i)
 - d. Provide patios for the residential units off of Warren Ave N. that will be primarily private. (PL2.II.ii)
 - e. Maintain the 12' setback and use landscaping along Warren Ave N. to provide a sense of protection and privacy for the residential entries. (PL2.II.iii)
 - f. Work with SDOT on providing street trees that will complement the design. (PL1.II.ii)

- 3. Alley Treatment: The Board supported and noted that the alley facing residential units and patios located at the first level will activate the alley. (DC1.VI.ii)**
 - a. The Board encouraged the design of the patio units above the alley provide security. (PL2.B)
 - b. Provide a staging area on the north side of the driveway for solid waste on collection day that will work for SPU and building staff. (DC1.C.4)
 - c. Design the driveway for safety of pedestrians and vehicles. Consider narrowing the width of the driveway. (DC1.C.4)
 - d. The retail façade treatment should turn the corner and extend into the alley. (CS2.C.1, PL3.C.1)

RECOMMENDATION MEETING: March 25, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number 3015549 at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENTS

No public comments, issues and concerns were raised during the public comment portion of the Recommendation meeting:

PRIORITIES & BOARD RECOMMENDATIONS

After considering the context provided by the proponents, and hearing public comment, the Design Review Board members provided the following design guidance.

RECOMMENDATION GUIDANCE:

- 1. Architectural Concept and Materials: The Board expressed support for the design as shown and the proposed building materials, stating that the building is beautiful and responds well to the existing development to the north. (CS3.A.1, DC2.B.1, DC4.A.1)**
 - a. The Board supported the glass railings at the balconies and roof deck, the sunshades on the south elevation, the black windows frames, the use of dark grout and the variety of metal panels. (DC2.C.1, DC2.D.2, DC4.A.1)
 - b. The Board supported the fiber-cement ‘frame’ and planes changes on the facades. (DC2.D.1)

- 2. Residential Lobby: The Board was concerned with the location of the leasing office off the lobby at the corner of the building. The Board recommended that the corner would be better activated by the lobby and the leasing office should be moved. (CS2.B.2, DC1.A.1)**
 - a. Activate the corner with the lobby and move the office space. (CS2.B.2, DC1.A.1)

- 3. Lighting and Signage: The Board made the following recommendations on lighting and signage:**
 - a. The Board was concerned about the use of up lighting at the residential units. The Board recommended using the balconies to shield any up lighting. (DC4.C.2)
 - b. The Board preferred the linear lighting concept at the canopies, and directed the applicant to use this design if it works with the depth of the canopy. (DC4.C.1)
 - c. Provide a diversity of signage and provide signage on the blank wall in the alley. (DC2.B.2, DC4.B.1)

DESIGN REVIEW GUIDELINES

The priority Citywide and Uptown guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

Uptown Supplemental Guidance:

CS2-I Responding to Site Characteristics

CS2-I-i. Pedestrian Character: Throughout Uptown new developments should, to the extent possible, be sited to further contribute to the neighborhood’s pedestrian character.

CS2-II Streetscape Compatibility

CS2-II-iii. Uptown Urban Area: In the Uptown Urban and Heart of Uptown character areas, encourage streetscapes that respond to unique conditions created by Seattle Center. Encourage wide sidewalks to accommodate high pedestrian volumes during event times, and create safe, well-marked crossings at entrances to the Center. Streetscape furniture and landscaping should be sited and designed to accommodate the flow of event crowds. Buildings on and adjacent to the Seattle Center campus should be sited to create relationships and connections between the Center and surrounding Uptown neighborhoods.

CS2-III Corner Lots

CS2-III-i. Addressing the Corner: Generally, buildings within Uptown should meet the corner and not be set back. Building designs and treatments as well as any open space areas should address the corner and promote activity. Corner entrances are strongly encouraged, where feasible.

CS2-IV Height, Bulk and Scale Compatibility

CS2-IV-iii. Massing in the Uptown Urban Character Area: larger massing units and less modulation are appropriate, provided they are carefully designed, with quality materials.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

Uptown Supplemental Guidance:

PL1-II Landscaping to Reinforce Design Continuity with Adjacent Sites

PL1-II-ii. Streetscape Landscaping: Throughout Uptown, streetscape landscaping as per the guidelines CS2.II, PL1, PL2 and PL4 is encouraged.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

Uptown Supplemental Guidance:

PL2-I Entrances Visible from the Street

PL2-I-ii. Street Life: Streets throughout Uptown should be sociable places that offer a sense of security, and residential building projects should make a positive contribution to life on the street.

PL2-II Pedestrian Open Spaces and Entrances

PL2-II-i. Pedestrian-Friendly Entrances: 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.

PL2-II-ii. Defensible Space: Individual or unit entrances in buildings that are accessed from the sidewalk or other public spaces should consider appropriate designs for defensible space as well as safety features (e.g., decorative fencing and gating). Landscaping should be consistent with these features.

PL2-II-iii. Pedestrian Experience: 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. v).

PL2-II-iv. Lighting: Throughout Uptown the use of a pedestrian-scaled street lamp 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.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-C Parking and Service Uses

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

Uptown Supplemental Guidance:

DC1-VI Treatment of Alleys

DC1-VI-ii. Activation: In Heart of Uptown and Uptown Urban character areas encourage alleys to be activated with subordinate retail spaces at the mouth of the alley. Encourage retail to “turn the corner” at alley entrances.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept.

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

Uptown Supplemental Guidance:

DC2-I Architectural Context

DC1-I-iii. Uptown Urban Character Area: Embrace high quality urban infill, and responds to special relationships with nearby civic institutions. The following features are encouraged:

- a. Consistent street wall;
- b. Engaging the sidewalk / storefront transparency;
- c. Building siting that responds to Seattle Center entry points;
- e. High quality, durable materials;
- f. Distinct residential and commercial components; and
- g. Throughout Uptown, upper level balconies are discouraged on the street side of residential buildings. Bay windows are a preferred architectural element on the street side. This guideline is intended to avoid open displays of storage, which are sometimes an unintended consequence of street side balconies.

DC2-II Architectural Concept and Consistency

DC2-II-i. Cohesive Appearance: Throughout Uptown, buildings and landscaping should strive to create projects with an overall neat and cohesive appearance.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. 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.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

Uptown Supplemental Guidance:

DC4-III Commercial Signage

DC4-III-i. Preferred Signage: 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.

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 Recommendation meeting (the final Board meeting), the following departure was requested:

1. **Driveways (SMC.23.54.030.D.1.c):** The Code requires driveway access to residential parking serving more than 30 parking stalls to be a minimum of 20' wide for two-way traffic. The applicant proposes a 16' driveway.

This departure will provide an overall design that would better meet the intent of Design Review Guidelines PL2.I.ii Street Life and DC2.II.i. Architectural Consistency. By narrowing the driveway width, the retail space off of Denny Way can have greater depth and provide viable retail space that will add to life on the street. Furthermore by narrowing the driveway width the garage entry edge will align with the corner of the upper building massing, providing architectural consistency.

The Board voted unanimously to grant this departure.

BOARD RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated Wednesday, March 25, 2015, and the materials shown and verbally described by the applicant at the Wednesday, March 25, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended **APPROVAL** of the subject design with the following conditions:

1. Activate the corner with the lobby and move the office space. (CS2.B.2, DC1.A.1)
2. Use the balconies to shield any up lighting. (DC4.C.2)
3. Use the linear lighting concept at the underside of the canopies if it works with the depth of the canopy. (DC4.C.1)
4. Provide a diversity of signage and provide signage on the blank wall in the alley. (DC2.B.2, DC4.B.1)

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code 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:

- a. Reflects inconsistent application 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*
- d. Conflicts with the requirements of state or federal law.*

Director’s Analysis

Four members of the West Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

As noted earlier 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. Four members of the downtown Board agreed to the recommendations.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of

Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Applicant response to Recommended Design Review Conditions:

- 1. The applicant responded on the plans by removing the office space from the corner of the lobby, therefore satisfying recommendation #1.*

The Director is satisfied that conditions 1 of the recommendations imposed by the Design Review Board has been met.

The applicant has not provided documentation of conditions 2, 3 and 4. Therefore these conditions will have to be met prior to issuance of the building permit as part of the building permit review.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision Board that further augment the selected Guidelines.

SEPA ANALYSIS

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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 02/03/2015. The Department of Planning and Development (DPD) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or its agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the 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, 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts in appropriate.

Public Comment:

The public comment period ended on December 03, 2014. In addition to the comment(s) received through the Design Review process, one comment was received and carefully

considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking amounts.

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, greenhouse gas, air quality, construction traffic and parking impacts, as well as mitigation.

Noise

The project is expected to generate loud noise during demolition, grading and construction. There will be excavation required to prepare the building site and foundation. The applicant has stated on the project cover sheet that approx. 6,900 cubic yards of soil will be removed from the site. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining area. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment. Properties located directly to the north of the site include residential units and will be impacted by construction noise. The impacts including duration of construction noise in this area, and amount of noise-generating grading and construction activity warrant additional mitigation to reduce the impacts of construction noise on nearby residents.

The impacts of construction noise on nearby residential properties warrants additional mitigation. To mitigate construction noise impacts pursuant to SMC25.05.675.B the applicant shall submit a Construction Management Plan for approval by DPD.

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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Construction Traffic

This project falls within the South Lake Union Construction Hub as identified by SDOT.

The nearby area is experiencing numerous and successive construction projects. The combined impact and duration of this activity has an impact on nearby traffic and parking. Increased trip generation is expected during the proposed demolition, grading, and construction activity.

Increased trip generation is expected during the proposed demolition, removal of up to 6,900 cubic yards of soil, grading, and construction activity, with haul routes restricted to nearby arterials. Large trucks turning onto arterial streets would be expected to exacerbate traffic congestion. Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of the approved plan shall be provided to DPD prior to the issuance of demolition, grading, and building permits.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with 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, greenhouse gas emissions; height, bulk and scale; historic preservation; traffic and transportation; 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, therefore, no further mitigation is warranted.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "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 is presumed to comply with the 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 that have undergone design review shall comply with the design guidelines applicable to the project."

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Traffic and Parking

The applicant submitted a Transportation Impact Analysis (Transportation Impact Analysis, by Gibson Traffic Consultants, dated February 2015). The numbers used by the consultant were 81 residential units, 2,550 sq. ft. of retail and 50 parking stalls, which is slightly different than the proposed 75 residential units, and 6 live/work units.

The study analyzed the proposed uses and current uses to determine the new daily vehicle trip generation. The project is anticipated to generate 163 daily new trips, with 16 AM peak hour trips and 18 PM peak hour trips.

The study determined that the access to parking on site from the alley would have a slight impact on the LOS at the alley and Denny Way with the additional traffic from the project, and operate at LOS D during the weekday peak PM hours. The project's traffic impact on the surrounding streets would meet the City's Transportation Concurrency requirements.

DPD's Transportation Planner has reviewed the Transportation Impact Analysis and determined additional SEPA mitigation is not necessary.

The project is providing 50 parking spaces for the 75 residential units, 6 live/work units and the retail space. The Traffic Report noted that the parking demand for this development is anticipated to be 45 vehicle spaces.

DETERMINATION OF NON-SIGNIFICANCE

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

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

1. Approval of a Construction Management plan (CMP) by the Land Use Planner beth.hartwick@seattle.gov is required. In the CMP include hours of construction and any measures that will be taken to mitigate noise.
2. Provide a copy of the Construction Haul Route, approved by Seattle Department of Transportation to the Land Use Planner (beth.hartwick@seattle.gov).

DESIGN REVIEW - CONDITIONS OF APPROVAL.

Prior to Issuance of the Building Permit

3. Use the balconies to shield any up lighting. (DC4.C.2)

4. Use the linear lighting concept at the underside of the canopies if it works with the depth of the canopy. (DC4.C.1)
5. Provide a diversity of signage and provide signage on the blank wall in the alley. (DC2.B.2, DC4.B.1)

Prior to Certificate of Occupancy

6. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).
7. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

For the Life of the Project

8. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov) or a DPD assigned Land Use Planner.

Signature: retagonzales-currenctabby for _____ Date: September 10, 2015
Beth Hartwick, Senior Land Use Planner
Department of Planning and Development

BH:rgc
K:\Decisions-Signed\3015549.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.