



**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 AND DEVELOPMENT**

**Application Number:** 3017251  
**Applicant Name:** Constanza Marcheselli, Runberg Architecture  
**Address of Proposal:** 2020 South Jackson Street

**SUMMARY OF PROPOSAL**

Land Use Application to allow a 7-story structure containing 66 residential units and two live/work units. No parking proposed.

The following approvals are required:

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

**Development Standard Departure** to allow the street-level street-facing façade of the residential unit to encroach into the required 10-foot setback from the sidewalk (SMC 23.47A.008.D.2.)

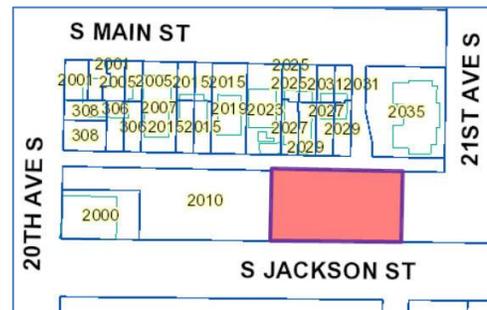
**SEPA – Environmental Determination** – Chapter 25.05, Seattle Municipal Code.

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

**Site and Vicinity**

**Site Zone:** Commercial One with a 65-Foot Height Limit (C1-65)  
**Nearby Zones:** (North) Lowrise Three (LR3)  
(South) C1-65 and Neighborhood Commercial Three with a 65-Foot Height Limit (NC3-65)  
(East) C1-65  
(West) C1-65

**Lot Area:** 12,211 square feet



### **Current Development:**

The subject site contains no permanent structures, and minimal vegetation. One existing tree, a western red cedar, occupies the northeast portion of the site, adjacent to the alley. This tree does not meet the size threshold to be considered for exceptional status. The site is rectangular in shape, and slopes approximately ten feet from east to west. The site lies within the 23<sup>rd</sup> and Union –Jackson Residential Urban Village.

### **Surrounding Development and Neighborhood Character:**

The surrounding development and neighborhood character consists of a range of commercial and residential uses. To the north, across the alley, is a mixture of two and three story townhouse and multifamily structures of a range of architectural types. Approximately 350 feet to the northwest of the subject site is Pratt Park and the Continental Baking Company Garage and Shop, commonly known as the Pratt Fine Arts Center. The arts center is constructed of mainly brick and concrete. Brick piers divide the south façade, facing the street, into five bays below a cornice embellished with patterned brickwork. *Ernstine Anderson Place* to the west is a five story multifamily residential structure containing 61 units with parking for six vehicles accessed via the alley. The building is treated with metal panels and fiber cement cladding of beige, bronze, and red color. The entry is centrally located and recessed. Amenity areas line the east and north portions of the site, containing vegetated walls, low seating walls, fencing, and landscape. To the east is Dr. Blanche Lavizzo Park and Seattle Vocational Institute.

## **I. ANALYSIS – DESIGN REVIEW**

**EARLY DESIGN GUIDANCE MEETING: June 25, 2014**

### **DESIGN PROPOSAL**

The Early Design Guidance (EDG) Design Proposal booklet includes 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).

The booklet is also available to view in the DPD 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](mailto:PRC@seattle.gov)

### **DESIGN DEVELOPMENT**

The architect presented three design options. All schemes proposed live-work units on South Jackson Street, a residential lobby at the west end of the structure, vehicular access via the alley, and roof deck on the southern portion of the roof.

Option A proposed five live-work units, 65 residential units, and five parking spaces. The residential units above are oriented toward the north or the south with access via a central interior hallway.

Option B is identified as the code compliant option. This option maintained similar programming with difference in modulation with an upper floor setback. Like Option A, 65 residential units were proposed, facing north and south, with five live-work units on South Jackson Street, and five parking spaces accessed from the alley. The main residential lobby was located at the southwest corner of the structure, with a courtyard adjacent to the west.

Option C, the preferred option, set the building back at the southwest corner to allow additional light and air to the adjacent building courtyard to the west. The live-work units, while located in the same location, were setback from the property line. The applicant noted that there is an opportunity for the structure to the west, Ernestine Anderson Place, and the proposed structure to share a courtyard at the main pedestrian entrance. As with the other schemes, vehicular parking was accessed from the alley.

At the conclusion of the presentation of the EDG packet, the architect presented sketches of a fourth massing option. This option proposed angling the structure at the southeast in an attempt to highlight and relate to the adjacent park.

## **PUBLIC COMMENT**

The following comments were expressed at the Early Design Guidance meeting:

- Encouraged live-work units at the ground level, and suggested the spaces be designed to accommodate retail in the future.
- Encouraged greater expression at the southeast corner to reflect neighborhood context.
- Concerned about the interaction with the park to the east.
- Recommended windows on the east façade to provide eyes on the park.
- Recommended a reduction in the façade dedicated to refuse.
- Encouraged design that creates an identity, and is not a copy of the adjacent structure to the west.
- Encouraged additional modulation to allow for sunlight to the properties to the north.
- Encouraged a setback and landscaping at the north façade, along the alley, to provide further separation from the residential structures to the north.
- Concerned about vehicular access using the alley, and encouraged access instead from South Jackson Street.
- Emphasized that the alley is currently used by many pedestrians, and suggested greater emphasis and articulation at the northeast portion of the site to facilitate this area being a gateway to the park and to protect alley users.

## **FINAL RECOMMENDATION MEETING: February 25, 2015**

### **DESIGN DEVELOPMENT**

In response to the Early Design Guidance (EDG), the applicant described how the design concept for the preferred scheme had been further developed. The applicant specifically addressed the project response to the abutting park and alley.

Responding to the park, the building's upper mass on the east side was set back, and replaced with a roof deck overlooking the park. At the base, four residential townhouse units were proposed, facing the park. Between the residential units and the park was a patio and walkway, connecting the units to South Jackson Street.

In response to the adjacent alley, the building was setback approximately fourteen feet. Parking was removed from the proposal and replaced with landscaping. The proposed roof deck at level seven reduced the structure height in response to the concerns regarding building shadow to the north. Material, color, modulation, and secondary architectural features along the north façade were proposed to break down the mass into smaller segments.

## **PUBLIC COMMENT**

The following comments were received at the Recommendation meeting:

- Concerned about the impacts to sunlight on property to the north across the alley.
- Supported the outdoor space at the east, abutting the park;
- Concerned about increased pedestrian traffic in the alley;
- Concerned about the perceived mass of the structure; and
- Encouraged upper level setbacks to improve the condition in the alley.

## **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.

### **CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.**

#### **CS1-B Sunlight and Natural Ventilation**

**CS1-B-1. Sun and Wind:** Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

**CS1-B-2. Daylight and Shading:** Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

**CS1-B-3. Managing Solar Gain:** Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

At the Early Design Guidance Meeting, the Board discussed potential impacts to the residential properties to the north, and recommended the project minimize shading on adjacent sites by providing additional relief at the alley via setbacks and/or modulation. The Board requested solar exposure studies to be presented at the Recommendation Meeting that illustrate the impacts of all schemes on the alley.

At the Recommendation meeting, the Board supported the proposed increased setback and additional landscaping at the alley. To further mitigate the shadow impacts on the alley, the Board recommended a condition to lighten the color palette of the north façade to encourage more light in the alley to the north.

## **CS1-D Plants and Habitat**

**CS1-D-2. Off-Site Features:** Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

At the Early Design Guidance Meeting, the Board discussed the park adjacent to the east, and recommended further development of the programming and design to better relate to the park and provide opportunities for interaction through use of windows, active uses, modulation, and/or materials. The Board requested three highly detailed massing options (including perspectives) be presented at the Recommendation Meeting.

At the Recommendation meeting, the Board recommended that Option 3, the preferred design with a six-story east façade and lower parapet, provided the best response to the park.

## **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.

At the Early Design Guidance Meeting, the Board discussed the position of the structure and its proximity to the park at east and alley at north. The Board agreed these circumstances elevate the need to articulate all facades with high quality materials and design.

At the Recommendation meeting, the Board recommended approval of the articulation, materials, and colors proposed in Option 3.

### **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.

At the Early Design Guidance Meeting, the Board supported a strong building edge along South Jackson Street, finding this to be an appropriate response to the neighborhood. At the west end of the site, a courtyard is proposed at the residential lobby entrance; the Board agreed this courtyard created a strong connection to the public realm by providing opportunity for resident interaction.

The Board emphasized the importance of the connection to the adjacent park to the east, and recommended further development of façade composition, articulation, high quality building materials, programming, and/or entrances to further express the connection to the park. The Board requested that perspective drawings showing this relationship be presented at the Recommendation Meeting.

At the Recommendation meeting, the Board recommended approval of Option 3's response to the park.

### **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.

**CS2-C-2. Mid-Block Sites:** Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

At the Early Design Guidance Meeting, the Board agreed this site acts as a corner site and a mid-block site due to its adjacency to the park. The Board encouraged a corner entrance and/or angling of the façade at the southeast corner to serve as a focal point and better relate to the park by providing a gateway to the park.

As a mid-block site, the Board agreed that a strong edge along South Jackson Street is appropriate, and provides a good response to existing development along this corridor and provides opportunity for future retail uses.

At the Recommendation meeting, the Board agreed a strong street edge at South Jackson Street was an appropriate response to the public realm, and that Option 3 provided the best design response to the park.

### **CS2-D Height, Bulk, and Scale**

**CS2-D-3. Zone Transitions:** For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

**CS2-D-4. Massing Choices:** Strive for a successful transition between zones where a project abuts a less intense zone.

**CS2-D-5. Respect for Adjacent Sites:** Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board discussed the adjacency of the residential uses to the north across the alley. The Board agreed there is a need for an appropriate transition, and recommended the use of setbacks, landscaping, and/or modulation to provide a successful transition between zones and uses.

At the Recommendation meeting, the Board recommended approval of the proposed increased north setback and additional landscaping at the alley.

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

### **CS3-A Emphasizing Positive Neighborhood Attributes**

**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.

At the Early Design Guidance Meeting, the Board recommended the use of durable, high quality materials compatible with the adjacent development, and to create a distinctive architectural character, not replicating the structure to the west.

At the Recommendation meeting, the Board supported the proposed materials palette, but recommended a condition to reduce the number of colors proposed. Reducing the number of colors will simplify and unify the building, particularly along the South Jackson Street frontage.

## PUBLIC LIFE

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

#### **PL1-A Network of Open Spaces**

**PL1-A-1. Enhancing Open Space:** Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

**PL1-A-2. Adding to Public Life:** Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

#### **PL1-C Outdoor Uses and Activities**

**PL1-C-1. Selecting Activity Areas:** Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

**PL1-C-2. Informal Community Uses:** In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

**PL1-C-3. Year-Round Activity:** Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

At the Early Design Guidance Meeting, the Board emphasized the importance of the interface of the project with the park. The Board is concerned that the options presented do not provide an adequate response to the park, and recommend further development and consideration of programming, modulation, setbacks, and high quality materials that respond to the open space condition. The Board noted that this site, with its proximity to the park, acts as a corner site, and provides opportunity to treat the southeast corner as such. The Board encouraged consideration of angling the entrance at this corner. The Board requested the following information be presented at the Recommendation Meeting: three new distinctive, highly detailed options that showcase a strong connection with the park. Perspectives shall also be presented.

At the Recommendation meeting, the Board agreed a strong street edge at South Jackson Street was an appropriate response to the public realm, and recommended approval of Option 3 as the best response to the park.

### **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.

At the Early Design Guidance Meeting, the Board agreed that windows and pedestrian entrances on the west façade would provide an opportunity for increased safety and comfort for users of the park and residents of the structure. The Board recommended further development of this façade, and its response to the park.

At the Recommendation meeting, the Board recommended approval of Option 3 as the best response to the park. The Board specifically noted the importance of the continuity of entries.

**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-3. Individual Entries:** Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

At the Early Design Guidance Meeting, the Board discussed the live-work units and the setback proposed in Option C. The Board is concerned that the increased setback will discourage commercial activity and the potential for retail at this location in the future. The Board encouraged the use of materials of high quality and human scale to articulate the entrances and create a cohesive street front.

At the Recommendation meeting, the Board agreed the street-level street-facing façade on South Jackson Street would better respond to the neighborhood context through a reduction in colors and/or materials to create a unity of architectural concept. The Board recommended a condition to simplify the color palette.

**DESIGN CONCEPT**

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

**DC1-CParking and Service Uses**

**DC1-C-1. Below-Grade Parking:** Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

At the Early Design Guidance Meeting, the Board discussed access to the proposed vehicular parking, and its interface with the existing users. The Board agreed that the alley currently functions similarly to a street as it serves multiple residential units who use the alley to walk to the park. The Board recommended further study of this interaction, and requested the presentation of three highly detailed options (including perspectives) at the Recommendation Meeting that showcase different arrangements of vehicular access and parking that are sensitive to the existing functionality of the alley. The use of setbacks, landscaping, and/or screening and materials was recommended by the Board.

At the Recommendation meeting, the Board recommended approval of the design with the elimination of parking at the alley and the increased setback and landscaping.

**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-AMassing**

**DC2-A-2. Reducing Perceived Mass:** Use secondary architectural elements to reduce the perceived mass of larger projects.

**DC2-DScale 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.

At the Early Design Guidance Meeting, the Board agreed that the site context provides an opportunity to articulate each building façade, and relate to the adjacent use. The Board recommended the use of elements such as entries, courtyards, landscaping, and/or materials to provide human scale and reduce perceived mass. The Board requested perspectives and elevations of each façade be presented at the Recommendation Meeting.

At the Recommendation meeting, the Board recommended approval of the overall architectural concept, with the condition to reduce the number of colors in the color palette. The Board agreed a reduction in the amount of colors selected would unify the architectural concept and reduce perceived mass.

**DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.**

**DC3-B Open Space Uses and Activities**

**DC3-B-3. Connections to Other Open Space:** Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

**DC3-C Design**

**DC3-C-1. Reinforce Existing Open Space:** Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

**DC3-C-2. Amenities/Features:** Create attractive outdoor spaces suited to the uses envisioned for the project.

At the Early Design Guidance Meeting, the Board agreed that the existing context creates opportunity for a strong open space concept. The Board agreed the courtyard at the west end of the site reinforces and enhances the existing courtyard on the property to the west. The Board agreed the combination of these two courtyards will provide opportunity for attractive outdoor space suited to the residents of both buildings.

At the Recommendation meeting, the Board recommended approval of the courtyard at the west of the site.

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

**DC4-D Trees, Landscape, and Hardscape Materials**

**DC4-D-1. Choice of Plant Materials:** Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

**DC4-D-2. Hardscape Materials:** Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

At the Early Design Guidance Meeting, the Board agreed that the courtyard is best located at the residential lobby, and recommended the use of high quality materials and landscape to enliven this open space. The Board recommended the use of high quality elements and finishes for the building and its open space at all facades. The Board requested detailed elevations of each façade be presented at the Recommendation Meeting.

At the Recommendation meeting, the Board recommended approval of the overall architectural concept, with the condition to reduce the number of colors in the color palette. The Board agreed a reduction in the amount of colors selected would unify the architectural concept and reduce perceived mass. The Board also directed the applicant to design the roof deck to enhance the proposed design concept and create inviting usable area for the residents.

## **DEVELOPMENT STANDARD DEPARTURES**

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

At the time of the Recommendation meeting, the following departure was requested:

- 1. Setbacks (SMC 23.47A.008.D.):** The Code requires a dwelling unit at the street-level street-facing façade to be at least four-feet above or four-feet below sidewalk grade, or be setback at least ten-feet from the sidewalk. The applicant is proposing a townhouse at the southeast corner of the structure. The townhouse faces east, toward the park, leaving its side facing South Jackson Street. This façade encroaches into the required setback by four-feet, six-inches.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the reduction in setback provides a strong street edge that is a better response to the public realm along South Jackson Street. (CS2-A, CS2-B, CS2-C, CS3-A)

## **BOARD RECOMMENDATION**

The recommendation summarized above was based on the design review packet dated Wednesday, February 25, 2015, and the materials shown and verbally described by the applicant at the Wednesday, February 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 and departure with the following conditions.

1. Lighten the color palette of the north façade (CS1-B).
2. Simplify the materials and color palette by reducing the number of colors (DC3-C, PL3-A, DC2-A, DC2-D).
3. Lighten the sense of mass along the alley (north façade) through light color choices (CS2-B, DC3-C).
4. Design the roof deck to enhance the proposed design concept and create an inviting usable area for the residents (DC2-B, DC3-C, DC4-D).

## **DECISION – DESIGN REVIEW**

### **Director’s Analysis**

Four members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that 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.F.3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

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 four members present at the decision 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 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. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

### **Director’s Decision**

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle *Design Review Guidelines for Multifamily and Commercial Buildings*. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified; therefore, 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.

## **II. ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist (September 25, 2014) submitted by the applicant. The DPD has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The *SEPA Overview Policy* (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include 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. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

#### Public Comment:

The SEPA public comment period ended November 2, 2014. Comments expressed concerns regarding: the increase in density in the neighborhood; on-street parking impacts; structure height; impacts to sunlight; impacts to the accessibility of the adjacent alley to the north; and location of solid waste and recycle.

#### A. Short-Term Impacts

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

#### Air Quality/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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* (SMC 25.05.675.A.).

### Construction Impacts: Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The *Street Use Ordinance* contains regulation that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation (SDOT). A condition is included requiring a construction management plan be submitted to SDOT and DPD, pursuant to *SEPA Policy SMC 25.05.675.B*.

Approximately 200 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on site, requiring disposal off site. Excavation and fill activity will require approximately 20 round trips with 10-yard hauling trucks or 10 round trips with 20-yard hauling trucks. Compliance with the *Street Use Ordinance* is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal.

#### B. Long-Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, environmental impacts, and parking and traffic warrant further analysis.

### Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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 due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy SMC 25.05.675.A*.

### Environmental Health

A Cleanup Action and Contaminated Media Management Plan (July 24, 2014) was submitted by the applicant. The plan contains steps for the management of contaminated and impacted soils, as well as removal of any underground storage tanks (UTSs) and/or contaminated soils discovered during redevelopment activities. The work plan includes exploration of potential locations of UTSs, involvement of licensed entities to decommission, remove and cleanup of any leakage that may be encountered and documentation of the removal and cleanup of contaminated areas. A memorandum from the City of Seattle Human Services Department (HSD) (November 5, 2014) indicates that all plans, permits, and documents related to disposal and certification of cleanup shall be submitted to the HSD.

In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act (WAC 173-340) and the Code of Federal Regulations (CFR 1910.120). Pursuant to the *SEPA Overview Policy* SMC 25.665.E. such a condition is contained herein.

### Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of height, bulk and scale; see the above *Design Review Analysis* for details of the process and design changes. “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” (SMC 25.05.675.G). No further SEPA mitigation is warranted.

### Parking and Traffic

The SEPA Checklist (September 25, 2014) estimates that the completed project will generate approximately 30 peak hour vehicular trips. While these impacts are adverse, they are not expected to be significant. SEPA conditioning is not warranted to mitigate parking and traffic impacts pursuant to *SEPA Policy* SMC 25.05.675.M.

### Shadows on Open Spaces

It is the City's policy to minimize or prevent light blockage and the creation of shadows on open spaces most used by the public. Areas outside of downtown to be protected include: publicly-owned parks, public schoolyards, private schools that allow use of schoolyards during non-school hours, and publicly-owned street-ends in shoreline areas. Those protected areas near the subject site include Dr. Blanche Lavizzo Park abutting to the east, and Pratt Park approximately 350-feet to the northeast. A shadow study was submitted by the applicant (February 25, 2015). This study includes an analysis of the shadow cast at 10AM, 12PM, and 2PM on the summer solitstic, equinox, and winter solstice. The study identifies the greatest potential for the proposed building to cast a shadow on Dr. Blanche Lavizzo Park at 2PM during the equinox when the sun shadows to the east. The proposed structure does not cast a shadow on Pratt Park to the northeast. In order to mitigate shadow impacts to Dr. Blanche Lavizzo Park to the east, the building includes a generous setback at the seventh story. Overall, anticipated shadow impacts are not expected to result in significant environmental impacts. The impacts are typical of a developing urban area that is changing from lower intensity development to more intense development, and the affected area of Dr. Blanche Park would be considered proportionally minor in comparison to the expansive area the park covers. It is not expected that the proposed development would result in any adverse shadow impacts to Dr. Blanche Lavizzo Park or Pratt Park; therefore, no mitigation is warranted pursuant to *SEPA Shadows on Open Spaces Policy* (SMC 25.05.675.Q.).

### Summary

In conclusion, several adverse impacts to the environment are anticipated to result from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - STATE ENVIRONMENTAL POLICY ACT**

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 (Revised Code of Washington (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 Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- 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 (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.

### **DESIGN REVIEW - CONDITIONS OF APPROVAL**

#### Prior to Certificate of Occupancy:

1. 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, Carly Guillory.
2. 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, Carly Guillory.

For the Life of the Project:

3. 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, Carly Guillory.

**SEPA - CONDITIONS OF APPROVAL**

Prior to Issuance of a Construction Permit:

4. The applicant shall submit a construction management plan, to DPD and SDOT, including a construction worker parking plan, truck haul routes, and a sidewalk closure plan.

During Demolition, Excavation or Construction

5. In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act (WAC 173-340) and the Code of Federal Regulations (CFR 1910.120).

Signature: retagonzales-cunneutabby for Date: May 14, 2015  
Carly Guillory  
Land Use Planner  
Department of Planning and Development

CG:rgc  
K:\Decisions-Signed\3017251.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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.