City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3021767

Applicant Name: Kathryn Jerkovich, BCRA

Address of Proposal: 13280 Linden Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story structure containing 170 apartment units. Below grade parking for 124 vehicles to be provided. Existing structure to be demolished.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

** Departures are listed near the end of the Design Review Analysis in this document*

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 AND VICINITY

Site Zone: Commercial 1–65’

Nearby Zones: (North) C1-65’
(South) C1-65’ (with Pedestrian overlay as of August 2016)
(East) C1-65’
(West) Midrise (MR)

ECAs: None

Site Size: 41,888 square feet

Public Comment

The public comment period ended on March 10, 2016 after a request for an extension. In addition to the comments received through the Design Review process, other comments were 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, traffic, and street-level uses. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The development immediately surrounding the project site generally consists of one-story commercial structures with surface parking, and multiple-family residential to the north. A row of existing trees lines the south property line.

EARLY DESIGN GUIDANCE December 7, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) 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 SDCI:

Mailing Address:	**Public Resource Center** 700 Fifth Ave., Suite 2000 P.O. Box 34019 Seattle, WA 98124-4019
Email:	PRC@seattle.gov

PUBLIC COMMENT

The following comments were received:

- Described the neighborhood has having a parking shortage;
- Encouraged sidewalk improvements and lighting along N 135th St.;
- Encouraged effective improvement and design;
- Concerned about large truck turning movements and access to the property to the north (from N 135th);
- Encouraged no parking on N 135th;
- Noted that visibility is constrained at the intersection of N 135th and Linden Ave N, resulting in intrusion into the bike lanes;
- Noted that recent improvements to Linden Ave N created steep grades on the east and west sides;
- Supported sidewalks on N 135th;
- Referenced the Bitter Lake Urban Design Framework currently under development:
    - The framework designated this site as commercial;
    - Property north of N 135th is designed residential;
    - Linden Ave N should be an active street, one that could accommodate parades;
    - Encouraged a mix of housing types;

- Noted the diversity of the neighborhood;
- Supported the conceptual massing and programing of the structure;
- Supportive of affordable housing and noted that the project will provide support services the neighborhood needs; and
- Noted the neighborhood does not yet have a vibrant commercial core, and the neighborhood is in transition.

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 December 7, 2015

The priority Citywide and Neighborhood 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.

1. **Site Planning and Public Realm**. The Board supported the preferred option, Concept 3, with vehicular access at the east portion of the structure and the residential lobby on Linden Ave N.
   a. The Board noted that this is a neighborhood in transition, and this project will contribute to a positive design context. The project was encouraged to explore ways to establish a positive and desirable context for others to build upon in the future. (CS3-4)
   b. The Board supported the courtyard on the south of the site, noting this location will allow for increased access to sunlight and use. The Board noted that screening may be necessary to enhance privacy for the residential units. (CS1-B, PL3-A)
   c. The conceptual floor plan illustrated the main residential lobby at the northwest corner of the site at the intersection of Linden Ave N and N 135th St. The Board supported this location, noting Linden Ave N is a preferable front to N 135th St. (CS2-C, PL1-B, PL3-A)
   d. The Board recommended clear and efficient design of the northeast corner as it relates to solid waste storage and pick up and vehicular access. The solid waste should not be staged in the street, and should be picked up to the east of the structure. (DC1-C)
   e. The conceptual floor plan illustrated a bike storage room at the northeast corner of the site. The applicant noted opportunity for this room to be accessed directly from N 135th St. The Board supported this direct connection. Detailed building elevations describing this condition should be presented at the Recommendation meeting. (PL2-A, DC2-B, DC2-B)
   f. The Board recommended the placement of bicycle racks along the Linden Ave N frontage. A detailed landscape plan illustrating bike racks should be presented at the Recommendation meeting. (PL2-A, PL4-B)
   g. Non-residential spaces were proposed along Linden Ave N. The Board recommended these spaces be designed with the flexibility to be converted to commercial spaces in the future. (DC1-A)

2. **Architectural Concept**.
   a. Overhead weather protection should be provided along Linden Ave N and N 135th St. (PL1-C, PL2-C, PL3-A)
   b. The N 135th St elevation was identified as important. The Board recommended the use of transparency, materials, and landscaping to create human scale and lessen the perceived height of the structure. Detailed elevations, landscape plan, materials board, and lighting plan should be presented at the Recommendation meeting. (DC2-A, DC2-B, PL2-B)

RECOMMENDATION August 29, 2016

PUBLIC COMMENT

The following comments were received:

- Described the neighborhood has having a parking shortage;
- Encouraged sidewalk improvements and lighting along N 135th St.;
- Encouraged effective improvement and design;
- Concerned about large truck turning movements and access to the property to the north (from N 135th);
- Encouraged no parking on N 135th;
- Noted that visibility is constrained at the intersection of N 135th and Linden Ave N, resulting in intrusion into the bike lanes;
- Noted that recent improvements to Linden Ave N created steep grades on the east and west sides;
- Supported sidewalks on N 135th;
- Referenced the Bitter Lake Urban Design Framework currently under development:
  - The framework designated this site as commercial;
  - Property north of N 135th is designed residential;
  - Linden Ave N should be an active street, one that could accommodate parades;
  - Encouraged a mix of housing types;
- Noted the diversity of the neighborhood;
- Supported the conceptual massing and programing of the structure;
- Supportive of affordable housing and noted that the project will provide support services the neighborhood needs; and
- Noted the neighborhood does not yet have a vibrant commercial core, and the neighborhood is in transition.

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.

RECOMMENDATION August 29, 2016

The priority Citywide and Neighborhood 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.

1. **Architectural Concept: Architectural and Façade Composition**. The applicant described the architectural concept as including large arches or boarders with recessed

areas of vertical bands and windows. The Board agreed the north, east, and south façades contained interesting volumes, but found the facades to contain many concepts with competing horizontal and vertical elements and arches that were too subtle with colors that did not clearly support the volumes.

a. The Board recommended use of contrasting colors that more clearly articulate the arch/boarder concept to clearly articulate the architectural concept. (DC2-B)
b. The Board noted that the scattered window pattern within the recessed areas provided interest, but felt this pattern should be applied consistently among the recesses to simplify the façade composition. The Board recommended a consistent window placement strategy. (DC2-B)
c. The Board agreed the large arch/boarder concept on the north façade along 135th failed to provide a well-proportioned composition, or incorporate architectural elements, features, or details of human scale. Providing human scale elements along 135th was identified by the Board as a priority and the Board recommended the applicant reconsider the hierarchy of volumes and add smaller arches to provide human scale. (DC2-D)
d. The Board recommended a strong podium expression on the north elevation along 135th to create a stronger street edge and provide opportunity for the use of elements to create greater human scale and texture, such as overhead weather protection or lighting. (DC2-D)
e. The Board agreed with public comment and supported the location of the residential entry at the northwest corner facing Linden. (PL3-A)

2. **Arrangement of Interior Uses and Relation to the Public Realm**. The residential lobby and two classroom spaces are proposed along Linden, while the 135th façade contains no direct access to the structure. The Board supported the response to Linden and felt the 135th needed more activation and interest to encourage an active street life.
   a. The applicant described the non-residential spaces on Linden Ave NE as classroom spaces for use by the community. Public comment expressed concern about the activation of Linden Ave NE and encouraged retail uses in these spaces rather than classrooms. The Board agreed that retail is most desirable, but surprised that classroom space will still activate the street. The Board supported the design of the spaces as they met the depth and height requirements for retail space. (DC1-A)
   b. The Board discussed the location of the fitness room and bicycle storage in the garage, and expressed disappointment that these sought-after spaces were only accessible via the garage door at the east façade. The Board recommended these interior uses be in visible or prominent areas such as along the street front. The Board recommended the applicant explore providing direct access from 135th to the interior of the building. (DC1-A)

SECOND RECOMMENDATION September 26, 2016

PUBLIC COMMENT

No public comment was provided at the second Recommendation meeting.

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 design guidance.

SECOND RECOMMENDATION September 26, 2016

The priority Citywide and Neighborhood 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.

1. **Architectural Concept**.
   a. The Board felt the architectural concept had been simplified in response to the guidance provided at the First Recommendation meeting; however, agreed that the north elevation and courtyard elevations would benefit from the application of secondary architectural elements or color to further breakdown the horizontal scale. The Board conditioned the project to continue the horizontal expression, found on the west elevation, to the north and courtyard elevations. All building facades should be designed considering the composition and architectural expression of the building as a whole. (CS2-D, DC2-B)
   b. The Board acknowledged the effort to break down the scale of the north elevation with the introduction of canopies, planter boxes, and balconies at the ground level along N 135th St; however, expressed concern that the third through sixth stories remained bulky and out of scale with the neighborhood context. The Board conditioned the project to further reduce perceived height, bulk, and scale of the north elevation (see also item 1.a. above). (CS2-D, DC2-B)
   c. The Board supported the application of secondary architectural features on the north elevation. To ensure these human scale elements are provided at ground level along N 135th St., the Board conditioned the project to use face mounted metal balconies, high quality materials for the box planters (such as the Cor-Ten steel proposed – plastic is not acceptable), and wall-mounted lighting (as proposed). (DC4-A)
   d. Metal frame canopies are proposed on the north elevation. The Board supported canopies, noting they provide texture of human scale at the ground level. The Board conditioned the project to ensure the installation of metal framed canopies for the length of the north elevation along N 135th St. (DC4-A)
   e. The Board supported the simplification of the window pattern application. (DC2-B)
   f. The Board supported the south elevation and application of green screens. (DC4-A)
   g. Planter boxes were proposed on the north elevation, and while the Board supported the planters, concern was expressed regarding the viability of sustaining landscaping at this location. The Board conditioned the project to install hardy, native plantings with irrigation. (DC4-D)
   h. Cement panel was proposed at the ground level. The Board expressed concern about the cement panel at ground level, and conditioned the project to provide durable materials at ground level (not cement panel). (DC4-A)
2. **Public Realm**.
   a. At the First Recommendation meeting, the Board recommended the applicant explore providing direct access from N 135th St. to the interior of the building. In response, the proposal introduces a staircase down to an entrance on the east elevation to the fitness room. The Board expressed disappointment with this condition, preferring an entrance on the north elevation to activate the street and contribute to the public realm. (CS2-B)
   b. In order to promote eyes on the street, safety, and security, the Board conditioned the project to provide a guardrail or metal railing that is transparent at the stairway down to the fitness room at the northeast corner of the building. (PL2-B)

c. The Board discussed the entrance on the east elevation (to the fitness room) and its proximity to Aurora Ave N and frequent transit. The Board recommended consideration be given to the internal programming of the garage level such that a second entrance be provided to allow ease of access for residents and bicyclists not using the fitness room. (CS2-B, PL3-A, DC1-A)

CONTEXT & SITE

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

CS1-C Topography

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the 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-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

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.

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.

PUBLIC LIFE

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

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

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-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-C Retail Edges

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

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-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

DESIGN CONCEPT

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

DC1-AArrangement of Interior Uses

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

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-BArchitectural 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.

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

DC4-AExterior 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-CLighting

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.

DEVELOPMENT STANDARD DEPARTURES

At the time of the First Recommendation the following departures were requested:

1. **Street Level Residential, Linden (SMC 23.47A.005.A.1.b.):** The Code requires that residential uses occupy no more than 20% of the street-level street-facing façade. The applicant proposes an increase to 35%.

   At the First Recommendation meeting, the Board indicated support for the departure request, agreeing that the treatment of the plaza on Linden Ave NE allows for ancillary activities such as seating and the residential lobby at the northwest corner acts as bookend to the block and provides a clearly identifiable entry. (CS2-C, PL3-C)

At the Second Recommendation meeting, the Board recommended approval of the departure request agreeing that the treatment of the plaza on Linden Ave NE allows for ancillary activities such as seating and the residential lobby at the northwest corner acts as bookend to the block and provides a clearly identifiable entry. (CS2-C, PL3-C)

The Board voted 3-0 in support of the departure.

2. **Street Level Residential, 135th (SMC 23.47A.005.A.1.b.):** The Code requires that residential uses occupy no more than 20 percent of the street-level street-facing façade. The applicant proposes an increase to 100 percent.

   At the First Recommendation meeting, the Board indicated concern with this departure as the treatment of the north façade fails to activate 135th. The Board identified activation of 135th as a high priority and suggested secondary architectural elements and a direct entrance to the fitness room at the northeast corner of the structure. (DC2-C, DC2-D)

   At the Second Recommendation meeting, the Board again expressed concern about the lack of activation of 135th and no direct access to the structure. The Board supported the introduction of canopies, balconies, and planter boxes to provide texture at ground level, finding that balconies will provide opportunity for the residents to connect with the public realm. (CS2-B)

   The Board voted 2-1 in support of the departure.

3. **Blank Walls, 135th (SMC 23.47A.008.A.2.):** The Code requires uninterrupted blank facades to not exceed 20 feet in width or exceed 40 percent of the façade, between two and eight feet. The applicant proposes an increase to 66.1 percent.

   At the First Recommendation meeting, the Board indicated support for the departure request, acknowledging that the slope of the site posed obstacles to meeting the blank wall requirement, if architectural elements of human scale are added to the north façade to reduce perceived bulk, create interest for the pedestrian, and encourage active street life. (DC2-B, DC2-C)

   At the Second Recommendation meeting, the Board supported the addition of canopies, balconies, and planter boxes along the 135th façade to add texture and scale. (DC2-C, DC2-D)

   The Board voted 2-1 in support of the departure.

4. **Façade Transparency, North Facade (SMC 23.47A.008.B.2.):** The Code requires a minimum of 60 percent transparency between two and eight feet above the sidewalk. The applicant proposes a decrease to 33.9 percent.

   At the First Recommendation meeting, the Board indicated support for the departure request, acknowledging that the slope of the site posed obstacles to meeting the transparency requirement, if interior spaces were arranged in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development. (DC3-A)

At the Second Recommendation meeting, the Board supported the introduction of balconies on the north elevation to encourage interaction between the building and the sidewalk. (DC1-A)

The Board voted 2-1 in support of the departure.

5. **Dwelling Unit Floor Levels, 135th (SMC 23.47A.008.D.2.):** The Code requires floor of a dwelling unit located along the street-level street-facing façade to be at least four feet above or four feet below sidewalk grade or set back 10 feet from the sidewalk. The applicant proposes no direct access to residential units along 135th.

   At the First Recommendation meeting, the Board indicated support for the departure request so long as the shared interior uses and activities at the garage level are located to take advantage of views and physical connections to exterior spaces and uses along the sidewalk. (DC1-A)

   At the Second Recommendation meeting, the Board supported the introduction of balconies on the north elevation and staircase to the fitness room to encourage interaction between the building and the sidewalk. (DC1-A)

   The Board voted 2-1 in support of the departure.

BOARD DIRECTION

At the conclusion of the SECOND RECOMMENDATION meeting, the Board recommended (2-1) approval of the project with conditions.

CONDITIONS

1. Continue the architectural concept expressed on the west elevation, on the north and courtyard elevations by using secondary architectural features or color at various intervals to further break down the horizontal scale. (CS2-D, DC2-B)

2. Use face mounted, metal balcony railing on the north elevation. (DC4-A)

3. Install wall-mounted exterior lighting on the north elevation, as proposed. (DC4-C)

4. Use Cor-Ten steel for the planter boxes on the north elevation, as proposed. (DC4-A)

5. Provide metal framed canopies on the north elevation, as proposed. (DC4-A)

6. Install hardy, native plantings with irrigation in the planter boxes on the north elevation. (DC4-D)

7. Use durable materials at ground level (not cement panel). (DC4-A)

8. Provide a guardrail or metal railing that is transparent at the stairway down to the fitness room at the northeast corner of the building. (PL2-B, DC4-A)

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the SDCI 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.

Subject to the recommended conditions, the design of the proposed project was found by two of the three Design Review Board members to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on September 26, 2016, the Board recommended (2-1) to approve the project with the conditions described in the summary of the Recommendation meeting above.

Three members of the Northwest Design Review Board were in attendance. Two members 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.F.3.).

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 applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings and conditions of approval.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the two members at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director accepts the Design Review Board's recommendation, and all of the recommended conditions shall be required.

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.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the 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 January 19, 2016. The Seattle Department of Construction and Inspections (SDCI) 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 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 is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions, construction impacts, and earth/soils.

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, and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts – Parking, Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be 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). No further SEPA conditioning is warranted to mitigate traffic impacts pursuant to *SEPA Policy* SMC 25.05.675.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays. The requirements of the Noise Control Ordinance are anticipated to mitigate potential impacts, additional SEPA conditioning is not warranted pursuant to SMC 25.05.675.B.

If extended construction hours are desired, the applicant may seek approval from SDCI through a Noise Variance request. The applicant’s environmental checklist does not indicate that extended hours are anticipated.

Construction Impacts – Mud and Dust

Approximately 7,500 cubic yards of material will be excavated and removed from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City’s Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No additional mitigation is warranted.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. 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, parking, and traffic 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, and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 170 residential units with 124 off-street vehicular parking spaces. The traffic and parking analysis (*Trip Generation, Trip Distribution and Parking*, Gibson Traffic Consultants, Inc., January 19, 2016) indicates a peak demand for approximately 138 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the peak parking demand for this development is 138 vehicles. The number of proposed parking spaces does not accommodate all of the anticipated parking demand, resulting in a spillover demand for fourteen on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Urban Villages within 1,320 feet of frequent transit service. This site is located in the Bitter Lake Urban Village within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Transportation

The traffic and parking analysis (*Trip Generation, Trip Distribution and Parking*, Gibson Traffic Consultants, Inc., January 19, 2016) indicated that the project is expected to generate a net total of 595 average daily vehicle trips, with 55 PM Peak Hour trips.

The additional trips are expected to distribute on various roadways near the project site, including Linden Ave N and Aurora Avenue N, and therefore would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined no mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the 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).

☐ Mitigated 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.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. The applicant shall revise to the plans to comply with the conditions from the Design Review Board:

    a. Continue the architectural concept expressed on the west elevation, on the north and courtyard elevations by using secondary architectural features or color at various intervals to further break down the horizontal scale.

    b. Use face mounted, metal balcony railing on the north elevation.

    c. Install wall-mounted exterior lighting on the north elevation, as proposed.

    d. Use Cor-Ten steel for the planter boxes on the north elevation, as proposed.

    e. Provide metal framed canopies on the north elevation, as proposed.

    f. Install hardy, native plantings with irrigation in the planter boxes on the north elevation.

g. Carefully explore providing direct access to N 135th St to activate the street and create a strong connection between the building and the public realm.

h. Use durable materials at ground level (not cement panel).

i. Provide a guardrail or metal railing that is transparent at the stairway down to the fitness room at the northeast corner of the building.

Prior to Certificate of Occupancy:

2. 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. (P)

3. 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. (P)

For the Life of the Project:

4. 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. (C)

CONDITIONS – SEPA

None.

Carly Guillory, Land Use Planner
Seattle Department of Construction and Inspections

Date: October 10, 2016

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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 Seattle DCI 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.