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

Application Number: 3023562
Applicant Name: Emily Wheeler
Address of Proposal: 2914 S McClellan St

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-story apartment building containing 31 units above 4,320 sq. ft. of office space. 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 25.05.660, the proposal has been conditioned to mitigate environmental impacts
SITE AND VICINITY

Site Zone: Neighborhood Commercial with a 40’ Height Limit (NC1-40) and Single-family (SF 5000)

Nearby Zones: North: SF 5000
               South: SF 5000
               West: NC1-40 and Low Rise (LR3)
               East: SF 5000

ECAs: A Steep Slope ECA is mapped on the site but the applicant’s survey demonstrates they do not meet the definition of a Steep Slope ECA. The City’s geotechnical reviewer confirmed this determination as well.

Site Size: 10,800 sq. ft.

PUBLIC COMMENT:

The public comment period ended on July 27, 2016. In addition to the comment(s) 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 and reflected light from the east side windows. 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 site is located at the boundary of a single-family neighborhood and is situated two blocks east of MLK Way S. where more intensive zoning and uses are located. Surrounding uses include single family residences to the south and east, a parking lot to the north, and an apartment building to the west. The site also site one block north of Franklin High School and is also two blocks west is a Lowes hardware store. The project is part of Mount Baker Housing’s low income community.

EARLY DESIGN GUIDANCE  June 14, 2016

PUBLIC COMMENT

Several members of the public attended this meeting and offered the following comments:

- Density is too much for the neighborhood.
- Parking should be provided for the project.
- Questioned if the project would be sustainably built.
- Questioned the proposed uses at ground floor.
- Ground floor office space should be used for other non-profits.
- Shade studies should include different times of day.
- The project needs a rooftop amenity.
All public comments submitted in writing for this project can be viewed using the following link and entering the project number: [http://web6.seattle.gov/dpd/edms/](http://web6.seattle.gov/dpd/edms/)

### 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  June 14, 2016**

1. **Height, Bulk, and Scale:**
   a. The Board favored the preferred massing option (shown at Option 1 in the presentation materials). They acknowledged and supported the stepping in of the fifth story and the clear separation of the base and upper mass present on McClellan as positive aspects of the project that should be carried forward to recommendation. (DC2-C)
   b. The Board especially liked the 30” of modulation present on bays facing 30th Ave S. on Options 2 & 3 and wanted to see this level of modulation continue as the project design evolves to the recommendation phase. (DC2-D)

2. **Streetscape:**
   a. The Board stressed that the southeast corner is the first commercial structure seen by pedestrians and motorists traveling west on McClellan. As such, the corner should be designed with a more commercial character. The Board offered a suggestion of achieving this appearance would be to wrap the corner in windows or create an identifiable transition. (CS3-A)
   b. Blank walls along 30th should be avoided to limit the perception of the building turning its back on the neighborhood. (DC2-B)
   c. The dumpster location needs to be changed to limit the impact of trash pick-up on street. As shown, this location could create an unpleasant streetscape for neighbors across 30th. (DC1-C)
   d. Departures related to transparency and separation of residential entries should be mitigated by layered landscaping. The Board advocated for a larger setback at 30th to allow for more plantings. At the next meeting, the applicant should provide site sections from each side of the structure so the Board can understand how the building will meet adjacent grade. (DC4-D)

3. **Exterior Elements:**
   a. The Board felt the project needed more transparency near the street. The east and south elevations should include substantial windows on levels 1-3. (DC4-A)
   b. More usable ground level space should be designed near the McClellan Street side of the project. To this end, the west entry should include some gathering space. (PL2-D)
   c. While the Board supported a departure for a residential lobby at the street, the applicant should consider a public amenity at grade on the 30th Street. This will improves the project’s interface with the neighborhood. (CS2-C)
PUBLIC COMMENT

Several members of the public attended this meeting and offered the following comments:

- Concerned about traffic conflicts related to trash pickup and street width.
- Landscaping planters should be used permeable.
- Concerned about the building being a commercial gateway.

All public comments submitted in writing for this project can be viewed using the following link and entering the project number: [http://web6.seattle.gov/dpd/edms/](http://web6.seattle.gov/dpd/edms/)

PRIORITY & 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  October 25, 2016

1. Response to EDG:
   a) The Board was pleased about the further development of the applicant’s preferred option from EDG and thought the height, bulk, and scale responded well to context. The Board agreed that the stepping in of the fifth story was a strong positive element of the proposed design’s response to bulk concerns.
   b) The Board was pleased that the bays presented on the 30th Street façade were also retained from EDG and landscaping was added at the street level to help the transition between the sidewalk and ground level residential. The Board agreed that the windows have been added to the southeast corner to successfully transition the commercial character and uses closer to MLK. The area of windows has been increased on the south and east facades reducing the level of blank façade area.
   c) The Board had asked for the dumpster to be located further into the site to limit its impact on the street. The applicant, as of the recommendation meeting, was unable to receive approval from SPU to locate the dumpster on an adjacent property.
   d) The Board was supportive of the added seating areas and increased connectivity to the Mt. Baker Housing which helps campus help provide more gathering space for residents.

2. Blank Walls:
   a) The Board discussed the blank wall sections located at the north ends of the east and west facades and came to a consensus that windows should be added to these parts of the facades. This is reflected as a condition of approval. (DC-B-2)
   b) The Board recommended a condition that ground floor glazing at the 30th Street elevation should be extended to the floor plate to encourage better interaction with the sidewalk. This is considered part of a better design concept justifying the departure for ground level separation for residential units. (DC2-C-1)
   c) The Board identified a concern about the level of glazing present in the central part of the McClellan façade. They recommended a condition that the windows above the
main entry at McClellan enlarged to create a better proportional relationship to the entrance. (DC2-D-1)

3. **30th Street Planters:** The Board recommended a condition for greater emphasis on vertical plant growth to add texture to the building and privacy for floor units. The applicant should consider making the planter deeper to accommodate more landscaping. (DC4-D-1)

4. **Dumpster:** The applicant’s original intent was to move the dumpster away from the street onto an adjacent property under Mt. Baker’s ownership. At the time of the Recommendation meeting, however, the applicant was not able to come to a resolution with SPU about how to move the trash enclosure off the development site. The Board recommended a condition that if the dumpster cannot be moved off the property then the applicant should investigate putting a roof over the enclosure. (DC1-C-4)

5. **Color Palette:** The Board debated the merits of having this building stand on its own or be closely related to the overall Mt. Baker campus. They reached a compromise by not requiring a similar architectural language but added a condition for a unified palette for the campus while taking into account the future remodel of older buildings within the overall ownership. (DC4-A-1)

**DESIGN REVIEW GUIDELINES**

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](#).

### CONTEXT & SITE

<table>
<thead>
<tr>
<th>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.</th>
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<tbody>
<tr>
<td><strong>CS2-C Relationship to the Block</strong></td>
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<tr>
<td><strong>CS2-C-1. Corner Sites:</strong> 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.</td>
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<tr>
<th>CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.</th>
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<tr>
<td><strong>CS3-A Emphasizing Positive Neighborhood Attributes</strong></td>
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<tr>
<td><strong>CS3-A-1. Fitting Old and New Together:</strong> 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.</td>
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<tr>
<td><strong>CS3-A-2. Contemporary Design:</strong> Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.</td>
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<tr>
<td><strong>CS3-A-3. Established Neighborhoods:</strong> In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.</td>
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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-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.

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-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.
   PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.
   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.

PL3-B Residential Edges
   PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.
   PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.
   PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.
   PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

DESIGN CONCEPT

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

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.

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. 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. 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-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.
DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

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.

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-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle’s climate, taking special care to detail corners, edges, and transitions.

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.
DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.
DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.
DEVELOPMENT STANDARD DEPARTURES

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

At the time of the Early Design Guidance the following departures were requested:

1. **Street Level Residential Entry (SMC 23.47A.008.D.1):** The Code requires that at least one of the street-level street-facing facades, containing a residential use, shall have a visually prominent pedestrian entry.

   The applicant proposes garden courtyard residential entries located on the north and west sides of the building.

   The Board unanimously approved this departure as the gated entries were prominent and each includes a gathering space with seating and landscaping which encourage human interaction and activity at the street-level with clear connections to building entries and edges. (PL3-A)

2. **Residential Floor Separation (SMC 23.47A.008.D.2):** The Code requires the floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

   Due to the slope of the site the applicant proposes a unit at 2’6” above the sidewalk and another at 1’6” above the sidewalk with no setback along the 30th Ave. S.

   The Board unanimously approved this departure based upon the ability of landscape planters to create buffers and privacy for these ground level residential units. The Board recommended a condition for plantings to reach at least reach the height of the bottom of residential windows. (PL3-B)

3. **Non-Residential Street Level Transparency (SMC 23.47A.008.B.2):** The Code requires sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent. For purposes of calculating the 60 percent of a structure's street-facing facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

   The 30th Ave. façade has 21% transparency as most of the commercial space is buried into the hillside due to topographic conditions.

   The Board unanimously approved this departure as the loss of glazing is mitigated with landscape planters. The Board set conditions requiring more substantial planters to add additional layering to the facade (DC4-D-1)
4. **Street Level Uses (SMC 23.47A.005.C.1):** The Code requires in all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations.

80% of the 30th Street façade is comprised of residential uses. The reason for the departure is related to the topographical change of the site.

The Board unanimously approved this departure as they felt the resultant design of the 30th Ave. façade better responds to the established single-family neighborhood across the street and not contain commercial uses. (CS3-A)

5. **Bike Parking (SMC 23.54.015.K):** The Code requires bike parking for residential uses be located on the same lot as the residents it serves.

The applicant is providing the full quantity of bike parking, however, half is proposed on an adjacent site owned by the applicant. The on-site racks are located near the main residential entrance and is close to the same elevation as McClellan.

The Board unanimously approved this departure as they felt the proximity to the main residential entrance and the project’s context within the Mt. Baker campus support the location of the bike racks. (CS3-A-3)

**BOARD DIRECTION**

At the conclusion of the Recommendation meeting, the Board recommended approval of the project with conditions.

Recommendations: The recommendations summarized below were based on the plans and models submitted at the October 25, 2016 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the October 25, 2016 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended APPROVAL of the subject design with one condition and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS for the project. (Authority referred in the letter and number in parenthesis):

Prior to MUP Decision modify the plan set subject to the following conditions:

1. The amount of glazing on the north end of the east and west façades should be increased to eliminate the appearance of blank facades. (DC2-B-2)
2. The applicant should increase the size of the windows located above the main entrance on McClellan. (DC2-C-1)
3. Either move the dumpster off the property away from the street or over it with a roof or trellis. (DC1-C-4)
4. Produce a compatible color palette that relates to the Mt. Baker campus considering its planned remodel. (DC4-A-1)
5. Vegetation within the landscape planters should be selected for a height that will at least reach the bottom of first floor windows of the ground level units. (DC4-D-1)
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 Seattle DCI 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 the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on DATE, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Five members of the Southeast 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 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.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Condition:

1. The applicant revised the MUP plan set, sheet DR 2.0, and added glazing on the north end of the east and west facades.
2. The applicant increased the size of the glazing on levels 1 and 2 in the center of the McClellan Street façade. The Board was concerned about the proportional relationship between the windows and the main entrance. These windows correspond to the main hallway for levels 1 and 2. They should be widened as close to the width of the hallway as possible to fulfill the Board’s guidance and condition more accurately.
3. The applicant was not able to obtain permission to move the dumpster off site. The latest MUP plan set shows a trellis over the dumpster on sheet L1.1.
4. The condition to match the color palette of the project with the remainder of the Mt. Baker campus will be an ongoing project as the applicant is remodeling the older buildings on the campus with the plan to match them to this new building.
5. The landscape plan on sheet L2.1 of the MUP set shows dogwood shrubs that will reach the first-floor windows of the ground level units.

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

The Director of Seattle DCI 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 is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DIRECTOR’S DECISION

The Director accepts the Design Review Board’s recommendations and APPROVES the proposed design and the requested departures.

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 June 28, 2016. The Seattle Department of Construction and Inspections (Seattle DCI) 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 construction-related noise, parking, traffic, mud and dust; air quality; greenhouse gas; and environmental health as well as mitigation.

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 and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant 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.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.
If extended construction hours are necessary, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant’s environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

*Construction Impacts – Mud and Dust*

 Approximately 450 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 further conditioning of the impacts associated with these construction impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.B).

*Environmental Health*

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.
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; potential blockage of designated sites from the Scenic Routes nearby; 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, historic resources, height bulk and scale, parking, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities 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 no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Resources

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 90 year old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board Memo, reference number LPB 375/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

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 height, bulk and scale impacts and additional mitigation is not warranted under SMC 25.05.675.G.
Parking

The proposed development includes 31 residential units with no off-street vehicular parking spaces. The traffic and parking analysis Transportation Solutions, Inc, Mount Baker Apartments- On-Street Parking Study, November 8, 2016 indicates a peak demand for approximately 20 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 49% within 800’ of the site. The projected peak demand of 20 parking spaces would not be accommodated by the proposed no off-street spaces in the development, resulting in a spillover demand for 20 on-street parking spaces. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 58% within 800’ of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Station Overlays. This site is in the Mount Baker Station Overlay District. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Transportation

The Trip Generation Manual, 9th Edition from the Institute of Transportation Engineers indicates that the project is expected to generate a net total of 206 daily vehicle trips, with 21 net new PM Peak Hour trips and 17 AM Peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including McClellan, 31st, and MLK and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The Seattle DCI Transportation Planner reviewed the information and determined that 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**

*For the Life of the Project*

1. 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 MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Joshua Johnson, 206-684-8278, Joshua.johnson@seattle.gov).

*Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit*

2. The windows present on the central part of the McClellan St. façade on levels 1 & 2 should be widened to the maximum extent possible.

**CONDITIONS – SEPA**

*Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit*

3. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

Josh Johnson, AICP Land Use Planner
Seattle Department of Construction and Inspections

Date: January 23, 2017
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.