



City of Seattle

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Gregory J. Nickels, 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:** 2304741

**Applicant Name:** Mark Travers, architect, for Monty Nikon and Homer P. Angel

**Address of Proposal:** 401 E. Pike Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the construction of a six-story mixed-use building containing 6,370 square feet of retail at ground level and 40 residential units above. Parking for 61 vehicles will be provided on three levels in a below-grade garage.

The following approvals are required:

**Design Review** - Chapter 23. 41, Seattle Municipal Code  
**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 another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

The proposal site is located on the south side of E Pike Street on a lot approximately 90 feet deep that extends between Bellevue Avenue E and Crawford Place E. The project would replace a 9,500 square foot surface parking lot currently striped for 25 vehicles. The vicinity is marked by a mix of older and newer structures. The older vernacular architecture is characterized by moderate-sized brick boxes, by concrete-framed, large-windowed warehouse and light industrial structures and high-ceilinged, terracotta clad single-story showrooms which are signatures of the area's sometime role as Seattle's "auto-row."

The site is just south across Pike Street from the First Covenant Church, constructed in 1910, and just east across Bellevue Avenue E. from the 58-unit Pike Lofts Condominiums of recent vintage. The Northwest School, a private school located in the former Summit Elementary Public School building which dates from 1905 and is a City of Seattle Landmark and also listed on the National Register of Historic Places, lies just to the south and to the east of the subject site, across Crawford Place.

The development site is located within the Pike/Pine Urban Center Village, and is subject to the *Pike/Pine Urban Center Village Design Guidelines*.

### **Architect's Presentation**

A Design Review Board Early Design Guidance Meeting for this project was held at Seattle Central Community College on August 20, 2003. A second Early Design Guidance meeting was held on August 20, 2004. At each meeting the architect presented preliminary plans for a six-story mixed-use building, containing ground floor commercial space and five stories of 40 residential units above. Parking would be provided for approximately 60 vehicles in a below-grade garage. At the first meeting the architect explained that the City of Seattle had determined that Crawford Pl would be considered an alley for development purposes.

### **Priorities:**

After visiting the site and considering the analysis of the site and its context provided by the applicant, the Design Review Board members present provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Building* and in the *Pike/Pine Urban Center Village Design Guidelines* to be of the highest priority for this project. The recommendations made were agreed to by all four of the Board members present, unless otherwise noted. At the October 20, 2004 meeting, the Board affirmed the priority of the Guidelines as enumerated at the August 20, 2004 meeting and the Guidance previously stated. Additional guidance dating from the October 20th meeting is in italics.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

**The Board was concerned that the proposed structure should provide entries that clearly relate to the pedestrian realm and receive special emphasis and treatment. The Board indicated that the proposed building should have multiple entries along the first floor Pike Street façade. Although there was some discussion concerning an entry at the corner of E Pike and Bellevue, the Board thought that the building should put forth a clearly urban form and strongly set the corners at both Bellevue Avenue and Crawford Pl. *The entries should be clearly identified through such elements as overhead weather protection and signage.***

#### A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

**The Board agreed with the proponent's notion of pulling the building away from the office building located on the lot to the south. Any eroding of the mass of the building on the upper floors should be away from the south, the west and the southwest portions of the site. The structure should be pushed to Pike Street to maintain a strong urban presence along that street side.**

#### A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

**The Board's guidance was that the location and design of the residential open space should maximize the prospects of both air and light. To this end the Board stated that the proponent should provide studies of sun angles, diurnal and seasonal shadows, etc., for the Board to view at the next meeting.**

**The Pike/Pine neighborhood-specific guidelines for A-7 call for: *Locating a significant amount of open space on rooftops is discouraged.* The Board agreed that open space on the rooftop should be discouraged and that *Open space at street level and features that provide visual interest on building facades, such as balconies should be encouraged.***

**In the final analysis the emphasis should be on the quality of the space and its potential for use, rather than on quantity only.**

#### A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

**The Board affirmed the ideal of taking access to the parking off Crawford Pl. while acknowledging the practical and topographical constraints which, as the proponent had explained, made that option largely impracticable. Nonetheless, the Board stressed that the *service* functions should be accommodated off the alley. They also agreed that the proponent should study and present a scheme to have a vehicular entry only off Bellevue with exiting onto Crawford.**

#### A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

**The Pike/Pine neighborhood-specific guidelines state: *Buildings on corner lots should reinforce the street corner. To help celebrate the corner, pedestrian entrances and other design features that lend to Pike/Pine's character may be incorporated. These features include architectural detailing, cornice work or frieze designs.***

**The Board strongly recommended that the proponent should explore and show the Board how the design of signage for the building might reinforce and celebrate the corner at Bellevue and Pike without physically eroding the corner.**

#### B-1 Height, Bulk and Scale

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

**The Board identified this as an issue of highest priority. The Board reiterated its general concern, expressed under priorities above, that the mass of the proposed structure should provide a strong presence along Pike Street while the other edges might be eroded to provide a kind of courtyard with fine quality of light and air. A simple massing model might be helpful to show a desirable articulation of this erosion and the inter-relation of proposed open space to both the residential units and to the building to the south and to Bellevue Av. E.**

#### C-1 Architectural context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

**The Board cited the Pike/Pine neighborhood-specific guidelines which stress that *the Pike/Pine vernacular architecture is characterized by the historic auto-row and warehouse industrial features of high ground floor ceilings and display windows, detailed cornice and frieze work, and trim detailing*. The Board indicated the proponent should present details and materials that reflect the history of the neighborhood. In particular the detailing of the fenestration along Pike St. and the amount of transparency in the proposed new building should reflect something of the character of this light-industrial history.**

#### C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

**The Board emphasized that the architect should present a clear architectural *party* at the next presentation to the Board and be able to explain how form, features and functions of the proposed building relate to this *party*.**

#### C-3 Human Scale

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

**The neighborhood-specific guidelines for Pike/Pine add the following particulars to this guideline:**

*The design of the ground floor of new developments should include:*

- *Pedestrian oriented architectural elements;*
- *A rhythm of building modulation comparable or complementary to adjacent buildings;*
- *Transparent, rather than reflective, windows facing the street.*

*This is especially important along Pike, Pine and Olive Streets, as well as on 10<sup>th</sup> and 11<sup>th</sup> between Pine and Madison. Cues can also be taken from the Harvard Market and from the south side of Pike between Boylston and Harvard.*

**The Board agreed that the applicant should incorporate into the design: pedestrian oriented architectural elements, a rhythm of modulation, and transparent rather than reflective windows within the commercial ground-floor façade, especially along East Pike St. Further, the Board agreed that the common spaces adjacent the residential uses should be clearly of a human scale and designed with such architectural detail as to bestow on them a distinctly comfortable and beautiful character. The Board indicated they would expect to see this level of detail presented at the recommendation meeting. *The Board expressed its support for the garage-door style openings by means of which the retail space at the corner of E. Pike Street and running along Bellevue Avenue would engage the sidewalk area.***

#### C-4 Exterior Finish Material

**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.**

**In making this a guideline of highest priority, The Board referred to the neighborhood-specific guidelines for even more precise direction, namely that:**

*New developments should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit --or other EIFS systems-- are discouraged) with wood and metal as secondary, or accent materials.*

**The Board directed that the applicant should respond to the neighborhood's preference for primary and secondary materials. They would expect to be presented with a design which, as one Board member expressed it, was "beyond the trendy." *The applicant should be prepared to present actual samples of finish materials to the Board at the next Recommendation meeting.***

#### D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creative lively, pedestrian-oriented open space should be considered.

**The Board considered this guideline to be among the highest of priorities and indicated that the entries should be clearly urban in character and highly transparent. *The Board agreed that an increase in interior ceiling height of the retail space off Crawford Place and E./Pike Street would enhance its appearance and marketability.***

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

**In conjunction with Guideline A-8 which was given high priority, the Board agreed that Crawford Pl., rather than Bellevue Avenue, be the primary circulation route for building services and requested that details relating to service functions included in this guideline be presented at the next meeting of the Board to consider guidance for this project. *While acknowledging that accessing parking off Crawford Pl might be problematic due to the topography of the site, the Board asked for a careful analysis of parking access; in any case basic service access, including access to garbage and recycled materials, should be off Crawford Place. A question was raised, given changes in Building Code requirements, whether the HC van stall couldn't be accommodated within the regular parking area.***

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of the neighboring properties and abutting streetscape.

**The Board agreed that this guideline should be regarded as of highest priority in conjunction with Guideline E-2. Specific guidance of the Board is included under E-2 below.**

**In approaching these guidelines the applicant should incorporate the following report of the City Arborist:**

**“East Pike Street has three SDOT maintained street trees. Two of the trees are Armstrong maples; the eastern one has a diameter of 8.4 inches and the western one a diameter of 9.6 inches. Both are healthy and stand approximately 40-feet tall and contribute greatly to the right-of-way. Between the Armstrong maples is a 7.7 inch diameter Red Sunset maple. All of these trees are good candidates for preservation and of a stature that typically SDOT endeavors to preserve... Bellevue Ave has three dead or nearly dead Redbuds. On site there are three Armstrong maples and three Redbuds the applicant may want to salvage—they're pretty nice and of a transplantable size. Or, if the applicant is interested, he/she can contact PlantAmnesty to see if they could locate someone to salvage them ([info@plantamnesty.org](mailto:info@plantamnesty.org)).”**

E-2 Landscaping to Enhance the Building and/or Site

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

**The Board called the applicant's attention to the neighborhood-specific guidelines which call for the *creation of small gardens and art within the street right-of-way* in order to *activate and enliven the public realm*. The applicant was directed to refer to the Pike/Plan Design Guidelines for specifics.**

*The Board agreed that for the next Recommendation meeting of the Board, the applicant should provide a detailed landscaping plan. The plan should include the entire development site and adjacent right-of-ways. In addition to landscaping of any proposed residential open space, the plan should include details for landscaping enhancement of the adjacent sidewalks and anywhere where there is street-level open space provided. The plan should include a lighting plan that at once provides on-site security and serves as a design amenity.*

#### **Development Standard Departures:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). Although the applicant had not requested specific departures from development standards within the Land Use Code at the previous Early Design Guidance meeting, at the second meeting it was indicated that a departure from SMC 23.47.008 B would be requested. The Code requires that a minimum of 80% of a structure's street front façade at street level shall be occupied by non-residential uses. The departure would be requested for both the Crawford Place and Bellevue Avenue facades. The Board indicated it would entertain the granting of the development- standard departure provided the final design successfully responds to the design guidelines enumerated above. The Board asked that the exact and fully quantified elements of this and any other proposed departures should be presented at the next meeting of the Board.

#### **Interim Recommendation Meeting**

An interim Recommendation Meeting was held on May 18, 2005, at which time the architect presented design developments in response to the Early Design Guidance which had been given for the project.

#### **Public Comment:**

Public comments solicited at this meeting addressed the following areas of concern:

- suggested the applicant should rethink the "garage door" openings for the retail shops along Bellevue Avenue E since they probably wouldn't be open many days of the year; at any rate, they should be designed to be very attractive in the closed position.
- questioned the size, quality and details of the proposed residential open space;
- suggested the desirability of additional retail entries along E. Pike Street; objected to anything less than 80% transparency along E Pike St

- pointed out the difficulty of access to service functions on Crawford Place; agreed not a good access to parking;
- wanted the color pallet re-examined and adjusted to the contextual pallet; colors were said to “clash” with neighboring Pike Lofts; if green and orange were to be colors, these needed to be the “exactly right” green and orange.
- asked whether balconies should not be replaced with “interesting fenestration”
- expressed some general discomfort with choice of materials but more with the finishing, jointing and detailing of the materials shown.
- suggested that providing fewer parking spaces might be better
- expressed concern over respecting historic architectural buildings in vicinity.

### **Design Review Board’s Deliberations:**

After asking clarifying questions, hearing the public comments, and considering the proposal presented by the applicant, the four Design Review Board members present at the meeting indicated that the project as presented was in need of further resolution of issues and required more specific detailing before they could recommend their approval. They requested that the project be returned to the Board at a later date for its recommendation and provided the interim design guidance described below.

- **Materials:** Noting comments from the public about the contextual fit of the proposed choice of materials and the fact that the Pike/Pine Design Guidelines called for new buildings to “honor” the historic architectural context through use of complementary or similar materials and styles, and referred to brick as a “preferred external material, with wood and metal as secondary or accent materials, the Board requested that the applicant revisit the basic choice of metal siding and its particular configuration on the proposed structure. While not going so far as to say that the metal siding was unworkable, the Board did request that the applicant should be prepared to explain in some detail how the choice in shape and size of profile, the choices in vertical and horizontal orientation and the finish and color of the siding responded to the architectural context of the vicinity and the explicit neighborhood priority of preserving the physical character of the Pike/Pine corridor in the choice of attributes for new construction.
- **Architectural detailing:** The Board expressed a concern that from what was presented at the meeting some elements of architectural detailing and joinery appeared unresolved. This related to fenestration, entries, canopies, soffits, cornices, and balconies, and the Board expressed its desire to see at the next meeting and at a more discernible scale, how these different architectural elements and materials were proposed to be conjoined.
- **Balconies:** The Board expressed concern that there could be a perception of a certain “cheapness” to the “decklets” as presented in the drawings, and raised the question whether the purposes of these features might not be better served by a different window system that exploited the use of hopper or awning windows. At the very least the Board would like to see them in more detail, including profile, color, and proposed fastenings.
- **Pike Street façade:** While appreciating the challenges of aligning the proposed retail spaces with the slope of Pike Street, the Board agreed that, if there were not to be multiple entries along the façade, more needed to be done to make the façade at street

level engage the pedestrian realm. And this needed to be done as part of the design of the façade and not just left to tenant improvements.

- Open space: The Board asked for verification from the applicant that the open space provided met the required amount of open space for the project. In addition, it was questioned whether the landscaping in small pots to delineate private and general open space was good, sustainable design. The Board asked that the applicant provide fuller landscaping details at the next meeting, including an explanation of how the space would be used, what other furnishings might be provided, how planting materials would be cared for, etc.
- Retail windows: The Board expressed a desire to see more details regarding the retail windows on Bellevue Avenue which were described as providing “garage type” openings. The applicant should be prepared to show them in detail and show how they might be configured in terms of actual use of the retail space. The applicant should also be prepared to explain how the choice was made in terms of overhead, accordion or sliding operation of the windows.
- Crawford Place façade: The Board desired to see fenestration into the retail space at ground level at the southern portion of the façade which was shown as a large blank façade on the presented elevation, or at least hear an explanation of why this section of the façade did not take advantage of some penetration into the interior.

The Board restated what had been identified as a guideline of highest priority in their Early Design Guidance, namely C-4 Exterior Finish Material. “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.”

In making this a guideline of highest priority, the Board had referred to the neighborhood-specific guidelines for even more precise direction, namely that:

*“New developments should respond to the neighborhood’s light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit --or other EIFS systems-- are discouraged) with wood and metal as secondary, or accent materials.”*

Further, “The Board directed that the applicant should respond to the neighborhood’s preference for primary and secondary materials. They would expect to be presented with a design which, as one Board member expressed it, was “beyond the trendy.” *The applicant should be prepared to present actual samples of finish materials to the Board at the next Recommendation meeting.*”

The Board requested that the applicant supply and present proposed materials that *accurately* represent the finish colors intended for the project.

The Board also requested that the applicant be prepared at the next meeting to present continuous street elevations that will serve to capture the actual adjacencies to the project. Although the Board desired that the specific issues noted above be addressed at a follow-up recommendation meeting, they expressed their appreciation overall of the manner in which the design development had responded to their guidance and to the guidelines earlier identified by the Board. They expressed confidence that the project applicant would respond effectively to this guidance at the next presentation before the Board.

## **Recommendation Meeting, September 7, 2005**

### **Architect's Presentation:**

The architect's presentation began by addressing issues and concerns which had arisen at the recommendation meeting of May 18, 2005. Among the salient changes were the following:

- The proposed building now incorporated brick, real stucco and glass curtain walls to fit in better with the historical "auto-row" aesthetic in the vicinity. The lower level of the proposed structure would consist of a facing of fired clay brick of CMU configuration and size; a standard size clay fired brick would be used on the upper levels. In addition, the architect explained that real stucco would be used on portions of the building, including the stair towers, and the window frames would be made of anodized aluminum.
- Fenestration had been reconfigured to show a series of smaller windows with vents.
- Deck-lets were moved from the front to the side of the protruding bays. "Store" doors would more than likely be used for access to the proposed deck-lets.
- The architect presented a full-sized print of the proposed railing pattern.
- The proposed palette had been toned down from earlier presentations and now included "natural colors" with a few other colors for accent. One accent color characterized as "controversial" was said to remain on the bottom of the proposed bays. The proposed metal soffit at the top of the building was intended to be gray in color. The tile along the sidewalk base was "small" in proposed pattern and charcoal and white in color.
- Down-lighting from the awnings as well as some up-lighting of the awning itself was proposed.
- The number of retail entrances had been increased from two to four. The amount of glazing at the retail level along Crawford Avenue had been increased; an additional retail space had been introduced along Bellevue Avenue.
- Details were given of elements within the proposed Landscape Plan for roof decks and street trees; a portion of the roof deck area was proposed as a green roof, and the question was raised whether that portion of the roof could be counted as required open space or whether a departure must be granted by the Board for it.

### **Public Comment:**

Public comments solicited at this meeting addressed the following areas of concern:

- a resident across the street from the proposed garage on behalf of fellow residents, requested that steps be taken so that the sound of the garage door going up and down could not be heard by them.
- a member of the public commended the applicant for the expansive use of brick in the facades, both as desirable in itself and for the way the brick tied the proposed structure into the existing texture of the neighborhood.
- a member of the public preferred the larger decks on Pike Street which had been part of earlier schemes.

### **Design Review Board's Deliberations:**

One Board member noted that the design they had seen at this meeting was a “quantum leap” from what had been presented at the previous meeting.

After asking clarifying questions, hearing the public comments, and considering the proposal presented by the applicant, the three Design Review Board members present at the meeting indicated their recommendation of approval of the project as presented, with the conditioning that follows. It was understood that the determination that these conditions had been adequately addressed would be made by the DPD planner prior to issuance of a Master Use Permit for the project.

The conditions of approval were these:

- the proposed canopies should evidence a level of refinement and durability in materials and detailing to match the tone of quality and durability set for the structure in general.
- the undersides of the proposed canopies must be “finished” and show a high level of quality, especially as they are to be illuminated.
- greater horizontal lineation should be provided within the brickwork to differentiate the various floor levels.
- a subtle, complementary color shift should characterize the difference between the base and upper-level bricks.
- the extending parapet caps or “eyebrows” should be removed from elevator and stairway penthouses.
- the windows should conceal ( by being lowered) any interior window accessories such as window blind and drapery tracks; in general, revised details in the design of the residential windows was identified by the Board as being of vital importance to the success of the project; the general question of the optimal size of the residential windows should be addressed in further design development (the Board suggesting that each window would probably need to be smaller in overall dimension); further design refinement should examine both how to reveal less of the interior space of the residential units and how to control the issue of solar gain.
- the elevator and stair penthouses need to be more than ghosted in; they require greater specific detailing and design refinement; although partially concealed from various perspectives, due to their height they will be visible elements of the proposed structure.

The members of the Board expressed their confidence that the applicant would effectively respond to these conditions; effective response would be determined in review by the DPD Land Use planner assigned to the project. The conditions were intended to address the design guidelines identified as being of highest priority for the project and to elevate the identified elements of the proposal to the level of the overall quality of design that had been presented to them.

#### Design Departures

No departures from development standards were requested by the applicant.

Although no design departures were requested by the applicant, the Board members present indicated that they were recommending the granting of a departure of required open space, should the “green roof” portions of the roof deck not qualify as open space as provided for in the Code and should this open space be needed to provided the required square footage of open

space as a percentage of the gross floor area in residential use. The project would not need to be returned to the Design Review Board for their approval should this departure prove necessary. Subsequent staff review of revised plans for the project have determined that no design departure was necessary for the “green roof” portion of roof-top open space since the amount of open space provided, even minus the grass-planted portions of the upper deck, still exceeded the required 20% of the gross floor area in residential use.

### **DECISION – DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings* and *South Lake Union Design Guidelines*.

Therefore, the proposed design is **approved** as presented at the September 7, 2005, Design Review Board meeting, **subject to the conditions noted below** (following SEPA conditions).

### **ANALYSIS - SEPA**

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated December 7, 2004. The information in the checklist submitted by the applicant 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) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget

Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

### Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m., Saturdays from 9:00 A.M. to 6:00 P.M. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval from DPD (3 days advance notice required).

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

### Summary

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

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2C.
- 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 2C.

### **CONDITIONS – SEPA**

#### Conditions of Approval During Construction

1. The hours of construction shall be limited to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. and Saturdays from 9:00 A.M. to 6:00 P.M.

### **CONDITIONS- DESEIGN REVIEW**

#### Prior to Issuance of the Master Use Permit

2. The applicant shall update MUP plan sets and provide documentation as requested in the Land use Correction Notice dated November 10, 2005, which notice has specified and incorporated the requirements of the conditions of approval recommended by the Design Review Board on September 7, 2005.

Signature: (signature on file)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

Date: March 2, 2006