



City of Seattle

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 & DEVELOPMENT**

**Application Number:** 2408366

**Address:** 2121 Third Avenue

**Applicant:** Joanna Funke, Stickney Murphy Romine Architects  
PLLC for  
Rex Land Company, Property Owner and  
Plymouth Housing Group, Developer

**Address of Proposal:** 2121 Third Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the future construction of a five-story building containing 4,645 square feet of retail and 7,512 square feet of human service use both at ground level, and 95 residential units on levels two through five. Accessory parking for nine vehicles will be provided within the structure and accessed from the alley. The existing buildings will be demolished under a separate permit.

The following Master Use Permit components are required:

**Design Review** - Section 23.41, Seattle Municipal Code (SMC)

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] EIS

[ ] DNS with conditions

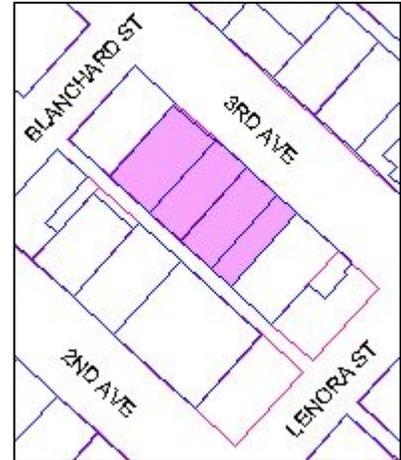
[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

\*\*Early Notice DNS published October 13, 2005.

## **SITE BACKGROUND INFORMATION:**

### Site Development

The subject site is a rectangular shaped lot (180 feet by 108 feet) that comprises a land area of approximately 19,440 square feet in Seattle's Downtown Belltown neighborhood. The development site is located within a Downtown Mix Residential/Residential zone with a height limit of 65' (commercial)/ 125' (residential) feet (DMR/R 125/65). Additionally, the site is located within Belltown Urban Center Village Overlay District and has neighborhood specific Design Review Guidelines.



The subject site is an interior lot that abuts Third Avenue along its east property boundary line, between Blanchard Street to the north and Lenora Street to the south. Third Avenue is Class II Pedestrian Street that requires an 18 foot wide sidewalk. A paved 16 foot wide alley abuts the site along its west property line that will require a two-foot dedication for the proposal. The land Use Code requires an improved ally with a two foot dedication. The lot is relatively flat and slopes slightly downward from south to north, approximately 7 feet over a distance of 180 feet. Presently, the site is developed with a mixture of lowrise office buildings and residential units ranging in height from 1 to 2-stories.

### Area Development

In the immediate area there is a mix of older residential and offices buildings of varying heights between one and four stories, with the exception of the 26-story (Grandview Condominiums) residential building located one block away from the subject site. Belltown neighborhood is in transition as new development transforms the streetscape on a relatively active pedestrian area just north of Downtown. During the turn of the century the area was leveled to remove Denny hill to spur development north of Stewart Street. This part of Belltown features a mix of modern and old buildings of various design styles incorporating brick, wood, stone, and concrete. A small number of the structures in the area constructed during the turn of the century have been designated Historic Landmark buildings within the City of Seattle and several have transferred their development rights to office buildings downtown.

The development site is located within a narrow DMR/R 125/65 zoning band, within a half block of Third Avenue between Wall Street to the north and Lenora Street to the south. To the west across the alley, between Wall Street and Lenora Street and extending west to the waterfront the maximum zoning height limit decreases to 85 feet (DMR/R 85/65). Surrounding this area (DMR/R 125/65) to the north, east and south the maximum height limits are substantially higher. To the east, mid-block across Third Avenue the height limit jumps to 240 feet within the Downtown Mix Residential/Commercial zone (DMR/C 240/125). North across the centerline of Wall Street along Third Avenue the height limit increases to 240 feet (DMR/R 240/65). One block south across Lenora Street the maximum height increases to 240 feet within Downtown Mix Commercial zone (DMC-240). This area contains a dense mix of commercial residential

uses that include office, retail, and restaurant uses. Of the residential uses in the area, there are a number of low income and senior housing units. Mature street trees provide a canopy that filters direct sunlight at street level on most of the surrounding streets.

### Project Description

Plymouth Housing Group proposes to develop affordable housing for the elderly, with support human services and retail use within a five-story structure. Nonresidential uses will be located at street and mezzanine levels. Ninety-five residential units will be located on the upper floors. No residential parking will be proposed, however, nine parking stalls will be provided for nonresidential uses with access taken off the alley. The proposal will require removing all existing structures to accommodate the proposed development.

### Public Comments

Date of Notice of Application:	October 13, 2005
Date End of Comment Period:	October 26, 2005
# Letters	8

The SEPA comment period for this proposal ended on October 26, 2005. The Department received a total of eight comment letters (two of which were from the same individuals) during the length of the application process, which includes the Early Design Guidance phase.

Approximately four letters were received during the early design guidance phase. Two of the letters addressed concern related to the timing of construction activity and being included in future notifications. Four letters shared their concern for a perceived negative impact in providing additional low income housing in the area. In particular, a number of safety concerns arising from increased pedestrian traffic with other similar type of uses in the area have resulted questionable behavior that threatens public safety. Lastly, several individuals expressed their desire to maintain and protect upper level views by limiting the proposed building's height.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

On July 26, 2005, the Design Review Board of Area 6 met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comment the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for the Belltown Urban Center Village and Downtown Guidelines*" of highest priority to this project.

**A Site Planning**

**A-1 Respond to the Physical Environment**

***Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.***

Considering the site conditions and the design proposal the Board emphasized a need to incorporate meaningful ground level activity areas in right-of-way. The proposed building should hold or frame the street edge to strengthen its presence along in the Belltown neighborhood.

**A-2 Enhance the Skyline**

***Design the upper portion of the building to promote visual interest and variety in the downtown skyline.***

The overall scale of the structure should be compatible with other buildings in the immediate area and a fine scale should be employed. Additionally, the proposed building should incorporate an iconic rooftop crown cornice at the development site to enhance the skyline.

**B Architectural Expression: Relating to the Neighborhood Context**

**B-1 Respond to the Neighborhood Context**

***Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.***

The Board reinforced the need for the proposed building to make a bold statement at the street edge to strengthen its presence along the street.

**B-2 Create a Transition in Bulk and Scale**

***Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less-intensive zones.***

The use of masonry and stucco at the structure's base should be used on the upper levels to create a proportionality to scale the building's façade to adjacent buildings.

**B-3 Reinforce the Positive Urban Form and Architectural Attributes of the Immediate Area**

***Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-portioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.***

The Board recommended establishing a bolder texture of the building's facade by incorporating fine detailing that takes cues from the presence of icon buildings in the area.

***B-4 Design a Well-Proportioned and Unified Building***

***Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less-intensive zones.***

The Board directed the applicant to explore reducing the appearance of bulk for the proposed structures by following the existing scale on the block front, and by animating the structure. The proposed structure should take into consideration adjacent structures to add character and texture to animate front facade as much as possible.

***C. The Streetscape: Creating the Pedestrian Environment***

***C-1 Promote Pedestrian Interaction***

***Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.***

The Board felt that the design should consider maximizing retail space on the lower level. Placement and type of retail use is crucial for the success of the commercial uses. With this in mind, careful consideration must be directed towards activating the street level.

***C-2 Design Façades of Many Scales***

***Design and architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building façades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.***

The Board was encouraged with the glazing proposed at the street level. More importantly, the Board was interested in activities within the structure at the street level to attract and promote pedestrian interaction. If possible, another Plymouth Café should be considered at this location.

***C-3 Provide Active, Not Blank, Façades***

***Buildings should not have large blank walls facing the street, especially near sidewalks.***

No large blank walls are proposed along Third Avenue.

***C-4 Reinforce Building Entries***

***To promote pedestrian comfort, safety, and orientation; reinforce the building's entry.***

The Board recommended that street level commercial space should have high ceilings with abundant glazing to promote visual interest.

***C-5 Encourage Overhead Weather Protection***

***Encourage project applicants to provide continuous, well lit overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.***

The Board was unanimous in wanting large floor to ceiling transparent window system with a strong integrated horizontal signage band and overhead weather protection would lend distinction to the street level and provide opportunity for interaction between the commercial uses and the sidewalk.

***C-6 Develop the Alley Façade***

***To increase pedestrian safety, comfort, and interest; develop portions of the alley façade in response to the unique conditions of the site or project.***

The Board supported exterior light fixtures and security cameras located along both the alley and the recessed portions of the Third Avenue street frontage.

***D. Public Amenities: Enhancing the Streetscape and Open Space***

***D-1 Provide Inviting and Usable Open Space***

***Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principle area of the open space should be especially emphasized.***

Residential open spaces should be designed to minimize blank walls and to invite use of the space. The Board supported the provision of common amenity rooms for the tenants located on the second and third floors, as well as the light well garden court spaces. The light courts have been well-landscaped and include seating.

***D-5 Provide Adequate Lighting***

***To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage.***

The Board encouraged the applicant to continue with the design to provide source light on the upper levels of the building. Lighting on the lower level should be designed and installed to increase a sense of security.

***D-6 Design for Personal Safety and Security***

***Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.***

The Board felt that the design should incorporate defensible space principles throughout the development proposal.

**Summary:** The guidance of the Board reflected their concern as to how the proposed project would be integrated into a neighborhood in transition.

**Design Review Board Recommendations**

On September 16, 2005, the applicant submitted the full Master Use Permit application, and on November 1, 2005, the Downtown Design Review Board (Area 6) convened for the recommendation meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meetings. The applicant did not request any departures from the City's Land Use Code.

### Public Comments

Approximately three (3) members of the community were in attendance during the November 1, 2005, Final Recommendation meeting. One member of the public commended the Design Review process. The general consensus supported the owner's effort to be good neighbors by incorporating their concerns into the final project. Comments centered on pedestrian security, street trees, exterior lighting and "eyes on the street," a continuation of their concerns from the EDG meeting were adequately addressed in the final proposal. Most importantly, the owners alleviated lingering hesitations by stating that loitering on the sidewalk would be discouraged with staff members monitoring activity within the right-of-way.

No *departures* from standards of the Land Use Code were requested by the applicant at the time of the meeting.

### Board Discussion

After considering proposed design and project context, hearing public comment and reconsidering the previously stated priorities, the Board began their deliberations by providing a general assessment of the project proposal and its impact on the neighborhood. Ensuring security around the development site is a critical factor to successfully integrating the project into the existing neighborhood fabric. The design team should incorporate defensible space strategy into the proposal; utilizing lighting measures, minimizing ground level loitering and shadow spaces abutting the right-of-way. Belltown Guidelines should be followed to activate the streetscape. The Board encourages increased retail or restaurant presence along Third Avenue.

The Board accepted the applicant's proposal with recommended conditions to better achieve a design that is at once complimentary to the surrounding neighborhood, yet bold in making a vibrant architectural statement. The Board expects the planner to work out the details with the architect prior to issuing the Master Use Permit.

The Board was encouraged with the applicant's effort to better integrate the vocabulary among the architectural design themes, color, and texture. At the Recommendation meeting, the Board agreed that the proposed structure is compatible with the surrounding buildings and takes cues from the abutting buildings on either side. The Board also felt that the strong cornice lines were appropriate given the surrounding context and building size. (*Guidelines A-1 & A-2*)

The Board agreed that the use of dark red brick along the base and central portion of the second level adequately reflect the iconic buildings on either side of the development, both as an extension of the horizontal lines of the Army Building and also in emphasizing the scale of the smaller abutting buildings. Large storefront windows that extend nearly to the floor provide a dramatic statement at the street edge. The landscape design includes Alley Elms street trees that correspond with the building's alcove spaces that establish a consistent rhythm along Third Avenue. Further sidewalk improvements include scoring and banding reveals that reinforce the placement of the street trees. Additional lampblack will be added to the concrete to give it a slightly darker shade of grey. **The Board was very supportive of the proposed sidewalk improvements and would like to extend to SDOT their unanimous support for the proposed design, specifically including the proposed special paving coloration and scoring pattern that reinforce the entryways.** (*Guidelines A-1, B-1, B-3, C-2, C-3, & D-6*)

The Board strongly supported the proposed material palette which includes a dark red brick base with buff colored brick accents for the soldier course, sills and corbelling details. Dark green metal canopies extend over the horizontal signage band above and are integrated into the clear-glazed, commercial storefront window system. The upper floors are cementitious stucco with integrated color. The color palette shows an olive green color on floors two through four and a beige fifth floor. The banding and cornice are a dark green color. While the Board felt that the color scheme was appropriate to the surrounding context, they questioned the distribution of color as giving too much emphasis to the top floor. **The Board recommended that the applicant explore a more vertical distribution of color, rather than the hard horizontal demarcation shown on the renderings, perhaps focusing a third color on the vertical recessed vertical portions of the building body (and not at the top level).** (*Guidelines A-2, B-1, B-3, B-4, C-1, C-2, C-4, & C-5*)

The Board supported the reduction of the width of the residential entrance area in favor of increased commercial frontage. The Board also agreed that the large floor to ceiling transparent window system with a strong integrated horizontal signage band and overhead weather protection lend distinction to the street level and provide opportunity for interaction between the commercial uses and the sidewalk. Exterior light fixtures and security cameras will be located along both the alley and the recessed portions of the Third Avenue street front. The lighting will be integrated into the overhead canopies and will be directed downwards and towards the signage band. There was no discussion of the Plymouth Café being sited at this location. (*Guidelines A-1, C-2, C-3, C-4, C-5, C-6, D-5, & D-6*)

The Board supported the provision of common amenity rooms for the tenants located on the second and third floors, as well as the light well garden court spaces. The Board noted that the light courts have been well-landscaped and included seating. (*Guidelines D-1 & D-6*)

Discussion ensued regarding if any departures may have been overlooked, since no departures were requested. One member confirmed that no departures could be identified, with concurrence from the rest of the Board, the design team, and assigned planner: Thus, the project could move forward as designed.

### **Departure Analysis**

Not applicable.

**Summary of Departures**

<b>CODE REQUIREMENT</b>	<b>PROPOSED</b>	<b>JUSTIFICATION</b>	<b>BOARD RECOMMENDATION</b>
N/A	N/A	N/A	N/A

**Summary of Boards' Recommendations:**

The recommendations summarized below were based on the plans submitted at the November 1, 2005 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 submitted for review on September 16, 2005. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members recommended approval of the subject design with conditions. No departures were requested. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Explore a more vertical distribution of color, rather than the hard horizontal demarcation shown on the renderings, perhaps focusing a third color on the vertical recessed vertical portions of the building body (and not at the top level). *A-2, B-1, B-3, B-4, C-1, C-2, C-4, & C-5*
2. The Board was very supportive of the proposed sidewalk improvements and would like to extend to SDOT their unanimous support for the proposed design, specifically including the proposed special paving coloration and scoring pattern that reinforce the entryways. *A-1, B-1, B-3, C-2, C-3, & D-6*

**Director's Analysis and Decision : Design Review**

The design of the new building (containing 95 residential units and commercial uses) is similar in scale, proportion and materials, but reduces the appearance of repetition through use of color schemes and architectural features. The design of the proposed structure has been influenced by the surrounding vernacular with modern touches to provide visual interest that seeks a sense of individuality. As viewed from the Third Avenue street frontage, the proposed five-story building with the upper four levels dedicated to residential use and street level commercial and human service use is appropriately scaled within architecture vernacular. The facade will maximize transparency vertically at street level to enhance the pedestrian experience along Third Avenue. The commercial level height will align with adjacent structures to hold the vertical commercial frame. Metal overhead awnings create a visor above the sidewalk to stimulate visual interest upon the streetscape and will provide protection from inclement weather. The upper level façade will be modulated to break down the mass of the structure and some windows will be framed with metal railing systems to add detail to the building's facade. The structure's bulk and scale will have a good relationship with surrounding properties due to in part to the alignment of the brick frieze above the store front windows. The frieze will wrap around the north façade where the facade is exposed.

As viewed from the alley (west) orientation, the structure will have a slight modulated design echoing the street-side façade. The upper level window treatments will mirror the front and sides facades. The lower level will have well detailed pedestrian and vehicle access entries and concrete reveals, with attractive lighting features to encourage use and alleviate threats to personal security.

Three interior courtyards have been introduced to allow natural light to penetrate into the structure's interior. It is anticipated during sunny days the natural light will filter down to create a focal point in the ground level courtyard. Internal and external common recreation areas are proposed on all four residential levels was enthusiastically supported by the Board, and the Director is in concurrence. The Board was also very supportive of the applicant's response to activating the street with the proposed dyed and scored sidewalk to create visual interest within the right-of-way. The Board would like to have their support extended to SDOT to inform future decisions.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Belltown Urban Center Village and Downtown Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations above. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on November 1, 2005 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented in the plans submitted to DPD on September 16, 2005 in response to the outcome of the November 1, 2005.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated September 16, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information 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 (SMC 25.05.665) mitigation can be considered.

### 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, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

#### Traffic

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Traffic impacts will consist of hauling construction materials to and from site and the traffic generated by construction personnel who will access the site on a daily basis. Third Avenue is considered a Transit Emphasis Street during the Sound Transit bus tunnel retrofit project which places additional restrictions upon development. The applicant has contacted SDOT to secure permits for construction related activities. According to the Transit Emphasis Streets map published by SDOT, there are increased peak hour restrictions for work within the right-of-way. Peak hour restrictions have been set at 6:00 to 9:00 AM and 3:00 to 7:00 PM will remain in effect during through completion of the Sound Transit's Downtown Tunnel. During these hours all streets lanes must remain open to vehicular traffic. A number of standards will be set in place to adequately control activity within the right-of-way with a street use permit through SDOT.

The applicant has identified a number of options to site construction deliveries and materials staging area. In consultation with SDOT, the applicant will explore building a trailer and storage area on top of the pedestrian protection system, temporary street closures or leasing areas off-site. It is anticipated that a satisfactory solution will be found to minimize impacts within the right-of-way to facilitate the flow of traffic during the construction.

Pedestrian circulation will essentially remain unchanged during the construction. The applicant plans to erect a pedestrian protection system so that the sidewalk can remain open to foot traffic. If needed pedestrian traffic will be rerouted to one side of the street of Third Avenue to allow excavation and redecking of the street. After completion of the mixed use building, the sidewalks and streets will be restored to their approximate configuration.

Therefore, no further mitigation for traffic related impacts during construction is warranted pursuant to SEPA policies.

Noise - The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to

mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 8:00 P.M. and Saturdays between 9:00 A.M. and 6:00 P.M. Any work outside these hours will require a noise mitigation plan approved by the DPD. The plan shall include provisions to address construction noise from activities on the site, including hauling of earth and/or materials to and from the site, the activities of the staging area in relation to activities and/or events occurring at other adjacent properties. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

*Air and Environmental Health* - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### Height, Bulk, and Scale

The proposed five-story project will rise to approximately 71 feet to the top of the cornice from the lowest sidewalk elevation grade along the Third Avenue street frontage, and to 65 feet along the alley frontage. The development site is located within a Downtown Mix Residential/Residential zone with a height limit of 65 feet for commercial use and 125 feet for residential use. Across the alley to the west of the development site, the height limit decreases to 85 feet (DMR/R 85/65). The proposed structure will be the tallest building on the west side of Third Avenue, but considerably less than would otherwise be allowed by code. The adjacent lots contain one-story structures that are considerably undersized for the zoned height and would be prime candidates for redevelopment. The proposed building's perimeter façade is designed to hold the horizontal line of the abutting buildings to scale its presence along the streetscape. The site is an interior lot, located near the middle of the block, which adjacent building stepping down equally on either side. Across each right-of way, approximately 80 feet away (minimum) are structures of varying heights. The proposed project is being developed to DMR/R standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the land use element of the Seattle Comprehensive Plan for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the SEPA Height, Bulk and Scale Policy states that *“(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.”* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Traffic and Transportation

No parking stalls are required for this proposal per the land use code. The applicant proposes nine commercial parking stalls to support staff and client care. The number of vehicle trips is not expected to add significantly volumes within the right-of-way. It is expected that the residential tenants will rely on alternative modes of travel. The immediate area supports a number of transit options serving the metropolitan area within walking distance of the subject site. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

## **CONCLUSION - SEPA**

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

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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.

- [X] 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(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

## **CONDITIONS – DESIGN REVIEW**

### Non-Appealable Conditions

The owner/applicant shall update plans to show:

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
2. Embed colored elevation and landscape drawings into the MUP and building permit drawings.
3. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

### Prior to Issuance of MUP

4. Revise plans to incorporate more vertical distribution of color, rather than the hard horizontal demarcation shown on the renderings, perhaps focusing a third color on the vertical recessed vertical portions of the building body (and not at the top level), subject to DPD approval.

After Issuance of Building Permit and Prior to Groundbreaking

5. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

**SEPA CONDITIONS**

Prior to Issuance of Construction Permit

The owner(s) and/or responsible party(s) shall:

6. Submit a copy to DPD of any required PSCAA Demolition Permit(s).
7. Complete their part of the dedication process by signing off & turning in the paperwork to SDOT.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

8. The applicant shall submit, for review and approval by DPD, a Noise Control Plan when construction activity will occur outside non-holiday weekdays between 7:00 AM and 8:00 PM and Saturdays between 9:00 AM and 6:00 PM. This plan shall be submitted at least 30 days prior to commencement of work. The Plans shall include provisions to address construction noise from activities on the site, including hauling of earth and/or materials to and from the site, the activities of the staging area in relation to activities and/or events occurring at adjacent properties, and how such impacts will be mitigated.

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9. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 8:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon submittal of a noise mitigation plan and after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: (signature on file)

Date: June 22, 2006

Bradley Wilburn, Land Use Planner  
Land Use Services  
Department of Planning and Development

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