City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2303832

Applicant Name: Colin Walker

Address of Proposal: 500 Republican

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a four-story, four unit multifamily structure and an eight-story, four unit multifamily structure with parking to be provided within the structures.

The following approvals are required:

Administrative Conditional Use – To permit residential use in a C2 zone (SMC Section 23.47.006.B.5).

SEPA - Environmental Determination – Chapter 25.05 SMC

Administrative Design Review – Chapter 23.41 SMC - One Design Departure.
1. SMC 23.47.016D.2.a Screening for Parking.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

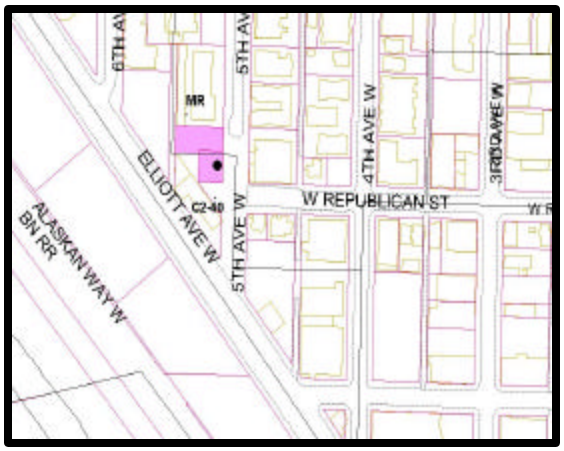
[X] DNS with conditions

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

* Early DNS Notice published February 18, 2004

BACKGROUND DATA

Site Description



The site includes two parcels located on a steep, forested hillside which is within a mapped steep slope, environmentally critical area. The lower parcel lies at the western terminus of West Republican Street. The upper parcel is accessed by Fifth Avenue West at the end of a cul-de-sac. On contiguous lots, the duplex on the upper lot and the single family residence on the lower lack a connection by an improved right-of-way. The upper parcel is zoned Mid-rise Residential (MR). The split zoned, lower parcel has a small portion of land within the MR zone and the rest in Commercial Two with a 40 foot height limit (C2 40). The latter parcel requires approval of an Administrative Conditional Use for a Master Use Permit for a multifamily building.

The rectangular shaped upper parcel extends from Fifth Ave. W. to an unimproved alley. An existing, triangularly shaped duplex sits within the site's northeast corner. The lower square shaped parcel lies above unimproved City right-of-way. A single family house lies close to the east property line, but the unimproved right-of-way provides the appearance of a more extensive front yard.

Vicinity

The neighborhood lies on the western edge of Queen Anne overlooking Elliott Avenue West and Elliott Bay. A grain terminal sits on the waterfront down the slope from the site. Below the properties to the southwest, a Goodyear Tire store lies on the Elliott Ave. W. corridor. Parcels to the north and the east of the site house a cluster of mid-century apartment and condominium buildings. Harbor House on Queen Anne (1963), Whiteley Manor (1966) Prestige Lane (1957), 500 5th. West, (1968) and Puget Vista Apartments (1967) are among the largest residences in the area. The Balfour Pointe was built in 1997. The consistency of materials, colors, size and period of construction provide a well defined residential enclave.

Areas within the undeveloped right-of-way are densely vegetated and steeply sloped as are undeveloped areas parallel to Elliott Ave. W. The residential neighborhood to the north and east is zoned MR. To the southwest at the base of the hill along Elliott Ave. W. the zoning shifts to C2 40. -

Proposal Description

The applicant proposes to build two multi-family residential buildings on the two parcels. Although they would not exactly replicate the footprint of the existing buildings, the proposed structures would be built in the same general locations. The concept plan has a concrete framed structure with four "high end"

residential units on the upper parcel and a concrete and wood framed edifice with four units on the lower one. The upper building would be taller and larger than its sister to capture the expansive views of Elliott Bay. The three scenarios developed by the architect are variations on a theme. Due to the constrained site (steep slopes), the architect kept the locations the same but varied the form of the plans among "L" and "V" shaped configurations.

Public Comments

DPD received numerous letters and calls raising the following concerns:

- Height limit. Respondents did not want departures for height.
- View blockage. Condominium owners in the neighborhood expressed their dismay at the possibility of obstruction of views.
- Density. A few comments focused on the high density of the neighborhood.
- Parking. Letters stated that not enough parking was provided and the adjacent streets did not have enough on-street parking capacity.
- Access to garages. Would the streets be improved? How would vehicles access the garages?
- Steep slope. The stability of the hillside was questioned.
- Wildlife. A few letters noted the wildlife on the steep slope.
- Tree and vegetation preservation. Respondents sought preservation of the greenbelt behind the existing buildings.
- Shadows. Shadows and shade from the proposed buildings would darken the rights-of-way.
- Construction. Concerns focused on the location of construction staging. Letters noted that construction trucks should not park in or obstruct the right-of-way.

ANALYSIS - ADMINSTRATIVE CONDITIONAL USE

Section 23.47.004 of the Seattle Municipal Code provides that "all residential uses, other than nursing homes, in C2 zones are subject to an administrative conditional use approval." Section A of section 23.47.006 provides general conditional use criteria and that an application can be conditioned to limit impacts or denied were they cannot be mitigated. Subsection B.5 provides specific criteria to be applied to an analysis of an application for residential uses in a C2 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

> *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed multifamily building would not be expected to cause material detriment to public welfare or surrounding properties. There is nothing unique about the expected tenants, use or traffic to be generated which would indicate a detrimental impact. In fact, the residents expected to inhabit the proposed building would add to the vitality of the neighborhood.

(1) Availability of suitable land for C2 activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

A commercially and industrially zoned corridor extends on both sides of Elliott Avenue West. The subject parcel, zoned Commercial Two with a forty foot height limit (C2 40), lies within this corridor; however, due to its steep slope and location both above and physically inaccessible to Elliott Ave. W., the parcel has remained a legally non-conforming single family residence. Most of the property lies with an environmentally critical area with slopes in excess of 40 percent. This 4,080 square foot parcel rises sixty feet from its southwest corner behind the Elliott Tire service store to its northeast corner on unimproved Fifth Ave. W. The only access to the site occurs at the termination of W. Republican St. The Seattle Department of Transportation has no future plans to improve Fifth Ave. W. to enable vehicular access from Elliott Bay W. To enable viable commercial use of the site, access and topographic issues would need to be overcome. In its size, location, and access, the site resembles the Midrise (MR) zone to its north and east. In fact, the northern most portion of the property is already zoned MR.

For the reasons stated above, the subject site is not suitable for commercial rather than residential development.

(2) Relationship to transportation systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

No direct access to Elliott Ave. W., the closest arterial, occurs from the site. Commercial vehicles would need to travel from the intersections of either Fourth Avenue West or West Harrison St. at Elliott Ave. W. through a residentially zoned neighborhood to reach the site. SDOT has no plans to improve either W. Republican St. or Fifth Ave. W., due to the steep topography, which would make direct access possible. Elliott Ave. W. remains the only viable connection to other major transportation systems in the area. Reaching West Mercer Street or Queen Avenue North by vehicle to connect with freeways or state routes would entail traveling a considerable distance through residential neighborhoods.

The combination of site topography, limited vehicle access from one street and none from the other limits the usefulness of the site for commercial purposes.

For commercially suitable uses, the site is isolated without a viable connection to major transportation elements. The proposal site cannot be said to have direct access to major transportation systems.

(3) Compatibility with surrounding areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

Physically, the site lies within the steep slope that separates the commercial uses along Elliott Ave. W. and the multifamily residential neighborhood that comprises much of the lower portion of Queen Anne. Based on existing uses (single family residential), access through the multifamily zoned vicinity (not from Elliott Ave. W.) and topography, the site's characteristics resemble those of the multifamily zone to its north, east and southeast rather than those of the commercial zones to the south and west. Industrial areas west of Elliott Ave. would not adversely hinder residential development on the subject property due to great distances separated by the public right-of-way and the hillside.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suited for multifamily residential uses. It is not so particularly suited to commercial and industrial uses that residential uses should be prohibited from entering.

DECISION- CONDITIONAL USE

The proposed action is **GRANTED.**

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas in the form of an Early Design Guidance packet presented on September 26, 2003. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, DPD staff identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A: Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The preliminary concept drawings acknowledge the steep slope and the expansive views. These considerations have driven the design concepts. During design development, the architect should not discount the orthogonal street grid and its neighborhood to the east as a design influence.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Discussion with the planner and SDOT should commence as soon as possible to ascertain the extent of needed street improvements. The proposal to link the sites with a hill climb is an excellent idea. Due to the era in which most of the neighboring buildings were constructed, this portion of Queen Anne (and the City) has a very distinct streetscape character that should be respected.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

An important quality within Queen Anne is its pedestrian activity. The design decisions made by the development team should continue to foster this pedestrian orientation.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Harbor House on Queen Anne is a tall multi-family structure directly up the hill from (and north of) the proposed project. Although the proposed project is only half as tall, the siting of the buildings should attempt to avoid blocking the views from Harbor House.

A-6 Transition Between Residence and the Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The architect should create a strong open space concept that visually connects the two proposed buildings. The concept should engage the steep slope in a well thought out manner through terracing, view outlooks, or other landscape techniques.

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.

Creating a workable vehicle access and parking areas presents the architect with considerable design challenges. Due to the steep slope, the most feasible solution for the upper parcel should have proposed access originating from the site's northeast corner with a ramp parallel to the north property line accessing an underground parking garage. Less information was provided for parking and access for the lower parcel. More design analysis should be undertaken or, at least presented if already done, to explore an alternative to placing the parking directly off the right-of-way. Is the parking screened? Can the two lots be connected by an underground garage?

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility. 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 development potential of the adjacent zones.

The key issue is whether the massing of the upper structure can be sculpted to optimize views from the adjacent building and the proposed structure. The architect should develop a series of photos based on pictures taken from Harbor House with an outline of the proposed buildings placed on the photos. Quick character sketches should also be drawn to illuminate the relationship of the two buildings.

C: Architectural Elements and Materials

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.

Neighborhood character should be an important consideration during further design development. The proposed buildings should acknowledge the special character of this neighborhood. The plethora of 1960s era buildings in this small district is remarkable. The design result obviously won't be a replication of the older structures, but the new buildings in massing, detail, color, materials and fenestration should echo the best of that earlier period design.

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.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 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.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

This is an important consideration, in particular, for the building to be placed on the lower parcel.

D: Pedestrian Environment

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.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

E. Landscaping

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 neighboring properties and abutting streetscape.

The next iteration of the design should have a conceptual landscape plan.

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.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The steep slope and the existing vegetation on the site should be seen as opportunities for creative landscape ideas.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on December 30, 2003.

DESIGN REVIEW BOARD RECOMMENDATION

DPD staff conducted a review of the applicant's formal project proposal developed in response to the previously identified priorities. The applicant submitted site plans, elevations, floor plans, and landscaping plans for staff's consideration.

Public Comments

Public comments are included above in the Background Data section.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Screening of Parking. Screening for parking within a structure.

Recommendations

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The project designer has attempted to preserve much of the hillside and its vegetation by proposing to build on the approximate footprint of the existing structures. Given the difficult terrain, the two structures step down the hill and take advantage of the views.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The applicant proposes an attractive hill climb in the unimproved right-of-way. The hill climb and the additional landscaping adjacent to it will benefit the entire neighborhood.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The site and landscape plans indicate visible but discreet pedestrian entrances with attractive entry courts and landscaping leading to them.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The hill climb will benefit pedestrian circulation in the neighborhood by connecting 5th Avenue West with West Republican Street.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Although the proposed upper building impinges on the views of some residents of the adjacent building to the north, the design places the proposed driveway adjacent to the Harbor House driveway providing a distance of nearly 30 feet between the neighboring towers.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The open spaces are series of courtyards and terraces integrated into the architecture and the terrain. The open spaces visually connect to the hill climb and the other improvements in the right-of-way.

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.

Given the steep slope and the unimproved right-of-way in front of the proposed buildings, proposed vehicle access and parking minimizes the impact of parking and driveways on the pedestrian environment. The proposed hill climb creates safer pedestrian conditions in the vicinity.

B-1 Height, Bulk and Scale Compatibility. 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 development potential of the adjacent zones.

The proposed structure is smaller and partially downhill from Harbor House to the north. Thirty feet of driveway and setbacks separate the buildings. Although the building blocks some views from Harbor House, the proponent's design is sculptural which reduces apparent bulk.

C: Architectural Elements and Materials

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.

Most of the structures along 5th Ave. W. were built in the mid-1960s with the period's dominant modernist aesthetic. The proposed design both adapts to and updates many of the design strategies of the same mid-century period.

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.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

If built, the two structures will create an ensemble. Although structurally different, the two buildings are designed to echo one another as seen in the detailing, materials and roof forms.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Access to each structure begins at the ends of a separate cul-de-sac or street end. The entrances to the garages would be obscured from the improved rights-of-way.

D: Pedestrian Environment

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.

See A-3.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

Careful consideration of the placement of retaining walls is important. Their height should feel imposing to the users of the hill climb.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The proposed hill climb should add to the sense of security in the neighborhood.

E. Landscaping

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 neighboring properties and abutting streetscape.

Due to the need to create access from the cul-de-sacs, the applicant proposes attractive landscaping and a hill climb in the rights-of-way. The landscaping on the lower portion of the site blends into the other natural areas near the property.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The design adapts to the steep slope, the natural landscaping on the slope and the mid-century modernist aesthetic of the neighboring multifamily buildings.

Department Recommendations: The recommendations summarized below were based on the plans submitted on June 22, 2005. 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 dated June 22nd. After considering the site and context, reviewing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, DPD staff recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Screening for parking within a structure. 23.47.016.D.2.a	5 foot deep landscaped area between street lot line and the parking within the structure.	No landscaped area separating lot line from parking structure.	▪ Applicant proposes hill climb in unimproved right-of-way. ▪ Considerable landscaping between hill climb and property line.	Approved

DPD staff recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Submit color drawings of each façade. (C-2)
2. Build the hill climb and the adjacent landscaping in the right-of-way as shown in plans. (A-2, A-4, D-7)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that DPD staff neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent 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 review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 25.05.665D1-7) 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 related vehicles. Several construction-related impacts are mitigated by 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. The following is an analysis of construction-related noise, air quality, earth, grading, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these 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.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

A. Surveying and layout.

B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the buildings is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and 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). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

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. In order to ensure that

PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.
The City's geotechnical staff has determined that the site is an environmentally critical area (ECA) as a steep slope area. Actual subsurface and topographic conditions confirm this status.

Grading

An excavation to construct the lower level of both structures will be necessary. The maximum depth of the excavation is approximately 14 feet and will consist of an estimated 475 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately 15 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 48 round trips with 10-yard hauling trucks or 24 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent

possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Due to the large scale of the project, the temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be considerable. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

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 and increased demand for parking; 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 tightline 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. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that multifamily projects generate approximately .62 average vehicle trips in the P.M. peak period per unit. Based on these estimates, the eight residential units in the buildings would result in approximately five trips. Access to the garages will occur from Fifth Ave. W. for the upper building and W. Republican St. for the lower structure. The number of vehicular trips will have an insignificant impact on local levels of service.

Parking

The proposed ten parking spaces exceed the Land Use Code requirement for on-site parking. The on-site parking supply is less than what is anticipated to meet adequately the demands of the project, which is typically assumed to be a rate of 1.5 spaces per unit. There is adequate on-street parking available to meet the spillover parking of two spaces. No mitigation of parking impacts is necessary pursuant to SEPA. On-street parking is available on both Fifth Ave. and Republican St. and various streets within 800 feet of the property. Chapter 23.54 of the Land Use Code addresses parking requirements. Since the proposal meets the minimum parking requirements of the Land Use Code, and minimal spillover parking is anticipated, further SEPA mitigation of parking impacts is not warranted.

Summary

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 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.

[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. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. Submit color drawings of each façade.

During Construction

2. Build the hill climb and the adjacent landscaping in the right-of-way as shown in plans.

Non-Appealable Conditions

3. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
4. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
5. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

6. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

7. Submit a construction Transportation Plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 p.m.

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. 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. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

    A. Surveying and layout.

B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

9. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

10. Measures identified in the construction Transportation Plan shall be implemented.

11. Construction workers shall park in the on-site garage as soon as it is constructed, following approval from the DPD Building Inspector.

Signature: (signature on file) Date: October 24, 2005

Bruce P. Rips, AICP, Project Planner
Department of Planning and Development
Land Use Services

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