



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 AND DEVELOPMENT**

**Application Number:** 2403903  
**Applicant Name:** Mike Brooks, for Washington Holdings  
**Address of Proposal:** 1519 Minor Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of an eight story, 69 unit apartment building, with 11 live/work units and 1,584 sq.ft. of retail/commercial space at street level. Parking for 106 vehicles will be provided in three levels of below-grade parking; parking to be accessed from Minor Avenue. An existing 8,800 sq.ft. commercial building will be demolished to make room for the new construction.

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC)

**SEPA – Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

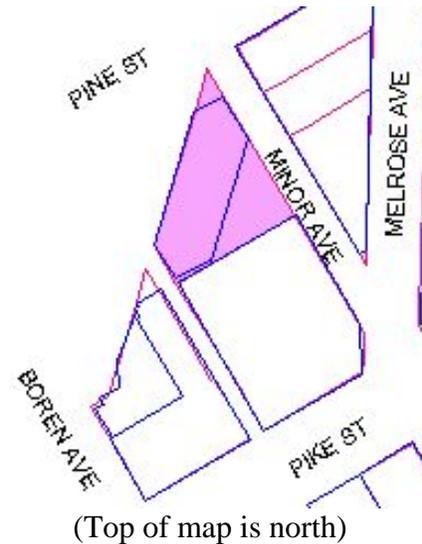
DNS with conditions

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

## **BACKGROUND INFORMATION:**

The site is located at 1519 Minor Avenue between Pike Street and Pine Street. The site is zoned Neighborhood Commercial 3 with an 85' height limit (NC3 85', PN, V). The proposal is for an eight-story mixed-use building with apartments above ground floor live-work units and retail space, all over at least three levels of below-grade parking. The property is located within the Pike/Pine Urban Center Village.

The conceptual design is predicated upon obtaining Development Standard Departures that would enable an increase in 64% lot coverage limits for residential use above 13 feet (SMC 23.47.008 D) and a reduction in the 20% of the residential gross floor area open space requirements (SMC 23.47.024 A).



The site is a triangular shaped parcel that was created when the I-5 right-of-way was carved through the original block. Part of this right-of-way adjacent to the site is occupied by Boren/Pike/Pine Park. Washington State Department of Transportation leases the park site to the City of Seattle Department of Parks and Recreation for operation and maintenance as a part of the City park system. Parks and Recreation has undertaken redevelopment of the entire park including a new dog off-leash area. The site is currently partially occupied by a one-story office building, the Olivetti building which is unoccupied. There is ground level parking located beneath the north portion of the building. Additional surface parking is located at the southeastern corner of the lot. The existing office building will be demolished as a part of the development proposal.

There is an alley that connects to the southwest corner of the site and terminates at the adjacent park. Minor Avenue occupies a narrow right-of-way and provides narrow sidewalks on both sides of a roadway that is 25-feet wide from curb to curb. The street currently provides for parking along both curb lanes.

## **AREA DEVELOPMENT**

The property is located within the Pike/Pine Urban Center Village and is therefore subject to consideration under the *Pike/Pine Urban Center Village Design Guidelines*, as well as the Citywide Design Guidelines. Urban centers are some of the densest areas of City for housing and employment, yet are intended to be pedestrian-oriented communities with direct access to regional high-capacity transit. Pike/Pine provides these 'urban center' amenities while maintaining a distinct legacy as Seattle's original auto-row. A high neighborhood priority is to preserve the physical and social character of the Pike/Pine corridor through adaptive re-use of existing buildings and development of new structures that reflect the architectural legacy of the neighborhood.

The project site is located at a gateway to the Pike/Pine corridor and Capitol Hill where commercial zoning has allowed sufficient building height to provide a transition to downtown and to visually bridge the separation caused by the I-5 freeway. The site's location abutting the Plymouth Pillars Park on its west and the narrow of Minor Avenue on its east, should afford opportunities to achieve good human scale and contribute vitality to these street level and pedestrian-scale relationships. Some of the commercial buildings in the immediate vicinity consist of one and two stories. Others, including one abutting directly across the alley to the south, extend up to several stories in height. There are numerous older buildings in the vicinity that exhibit the architectural legacy of the auto row loft building typology, including very high, fully glazed storefront windows and decorative details such as cornices, emblems and embossed building names, which provide examples for appropriate selective contextual design of new buildings.

### Applicant's Proposal

The applicant proposes an eight-story, mixed use building with 11 live/work units, xx at street level, and 69 residential units on the upper floors. Three levels of below-grade parking for 106 vehicles would be accessed from Minor Avenue. Ground level retail/commercial space totaling 1,584 sq. ft. will be provided. The one-story commercial building currently on site will be demolished to make way for the new construction.

### Public Comments

Public comment was invited at initial Master Use Permit application and at the two design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No written comments were received during the public comment period which ended on July 6, 2005. None of the comments made at the Design Review public meetings raised fundamental objections to the proposed project.

## **ANALYSIS - DESIGN REVIEW**

### Early Design Guidance

An Early Design Guidance meeting, attended by all five Board members for Area 7, was held on this proposal, on April 20, 2005. At the meeting, Mike Brooks of Washington Holdings, as applicant for the proposed project, explained his company's efforts to thoroughly understand the context within which the proposed development will take place. In addition to reviewing applicable neighborhood planning policies and design guidelines, the applicant has held meetings with representatives of the Pike/Pine Urban Neighborhood Council (P/PUNC) to inform them of development plans for the site. The applicant also cooperated with and provided assistance to the Seattle Parks and Recreation Department during its redesign of the adjacent Boren/Pike/Pine Park.

Mr. Brooks introduced Steve McConnell and Alan Young of the architectural firm of NBBJ who described contents of an Early Design Guidance Submittal package they had prepared including three architectural design options. These options included 1) a commercial/other use building

with full lot coverage at all levels, 2) a mixed-use structure with residential, live/work and other commercial uses with an upper level conventional double-loaded interior hallways accessing both residential and live/work units, and 3) the applicant's preferred option of a mixed-use residential/other use building with unique single-loaded exterior corridors flanking a centralized internal courtyard.

The applicant advocated a mixed-use residential project for this site that would meet identifiable housing demand and that would afford an opportunity to develop a signature architectural solution for this strategic Capitol Hill location. Focusing on Option 3 as the preferred option, the architects explained the request of a departure for upper-level residential coverage to increase to 74% due to the need to achieve efficient floor plans within an inherently inefficient triangular site envelope. Likewise, they requested a departure to reduce open space 15% rather than 20% of the gross area in residential use, again because of the unusual geometrical constraints on the site. The design team explained how they had made numerous programming decisions to enhance compatibility between the proposed project and the adjacent park and noted that the applicant had committed material assistance to park development.

### Public Comments

After the Board had asked some clarifying questions of the architects regarding the project, public comment was solicited from those attending the meeting. There were 9 individuals who had entered their names on the sign-in sheet. Attendees included an adjacent property owner, nearby residents, representatives of P/PUNC and other interested parties. An owner of property abutting to the south expressed concern about the height of the project and any possible negative influence it might have on that property-owner's future ability to develop his property. A particular concern was the possibility that residents of the subject project might object to any proposal that might block views to and light from the south.

One of the P/PUNC representatives expressed appreciation for the applicant's willingness to share information early on about the project. One commended the applicant's support of proposed Plymouth Pillars Park improvements and expressed the hope that additional support could be provided. One reminded the Board that any approved live/work use should be considered mitigation for previously required retail uses at the street level, until such time as retail use may become viable in this location. Live/work units should therefore be built to retail standards with adequate ceiling height and transparency rather than as residential units with blinds drawn. Transparency onto the park and at the retail corner was also seen as important elements for the proposed development.

A resident of nearby Pike Lofts and member of the Capitol Hill Condominium Owners Association voiced support for the proposal, but expressed concern that the proposed project could impact views from Pike Lofts to the Space Needle. This attendee requested consideration for any reduction in mass that may be possible, particularly at the top floor, and that the applicant be mindful of the building's south façade that will be viewed by Pike Lofts residents. Another attendee expressed appreciation for the applicant's support of the adjacent park improvements and especially inclusion of an off-leash area. This attendee agreed with the inclusion of a center courtyard, citing a nearby project as a worthy example, and also agreed with

previous comments about live/work and retail space transparency especially at the Pine Street end of the project. This attendee suggested that the proposal include balconies on the freeway side of the building should be examined with respect to noise impact from the adjacent freeway.

## BOARD DELIBERATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the 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 & Commercial Buildings* of highest priority to this project.

## DESIGN GUIDELINES

### A Site Planning

#### A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

*The Board was of the opinion that Option 3 was preferable to either of the other two options presented. With regard to the requested open space reduction departure, the Board expressed its reluctance to give up open space, but would support the requested departure if the quality of the proposed internal open space were enhanced, possibly through greater transparency to the park. It was suggested that the proponents consider making a connection between the internal courtyard open space and the City park either through shifting the courtyard to the west side of the building and away from the south wall, or finding a passageway down through the project to achieve direct communication between the two open spaces.*

#### A-2 Streetscape Compatibility

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

#### 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 noted the proximity of the Villa Apartment project nearby and requested that nothing be done to impede that project's continued use of the alley for service.*

#### 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 recommended that a textural change in sidewalk paving be made at the driveway to warn pedestrians of approaching automobiles.*

#### A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

*The Board acknowledged and supported the proponents' desire to take advantage of the project's unique location as a gateway to the Pike/Pine Corridor. The proponents were asked to make the proposed retail feature at the corner as transparent as possible.*

## 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 nearby, 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 Board considered the relationship of the project to lower buildings to the east, but recognized the project's position squarely within the NC3-85 zone and that it should not therefore be hindered with restrictions to development rights beyond recognizing the proximity of nearby buildings and being mindful of opportunities for creating appropriate transitions in height.*

## 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 complements the architectural character and siting pattern of neighboring buildings.

### C-3 Human Scale

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

*This and the previous guideline were cited as being of highest importance for the project, but without imparting further guidance.*

## D Pedestrian Environment

### D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

*The Board endorsed the proponents' intent to provide good connections between the perimeter and the live/work and retail spaces.*

### D-7 Personal Safety

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.

*The Board noted this guideline to be of highest importance, but without further qualification.*

Departures from Development Standards:

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).

The proponents indicated that further design development would specify and quantify the extent of proposed departures, but the following departures most likely would be required from Land Use Code development standards and would be requested:

- SMC 23.47.008D-the residential portion of a structure above 13 feet in height shall be limited to 64% lot coverage; the applicant contemplates an increase beyond 64%.
- SMC 23.47.024- area equal to 20% of the gross floor area in residential use shall be usable open space for the residents; applicant would request a reduction in required usable open space.

The Board unanimously initially supported the granting of the specified development standard departures, provided the final design successfully responds to the design guidelines enumerated above.

**RECOMMENDATION MEETING**

At a regularly scheduled meeting of the Design Review Board held on August 3, 2005, the development team briefly reviewed the intended program and the major features of the proposed design, paying particular attention to elements of the design that responded to the Design Guidelines and the Board's earlier guidance for the project. They offered a brief explanation of the separate design approaches the design team had taken, providing for two distinctive faces for the building, one oriented to the freeway and downtown, the other to the Pike/Pine neighborhood of Capitol Hill. The west, downtown-facing side, was described as "urban" and was predominantly a glass curtain wall, with some balcony insets, sitting on a masonry "plinth" at the ground floor level where it abuts the park. The east, Capital Hill-facing side, was described as exhibiting a less-imposing, residential composition. The proposed west curtain wall would wrap the north end of the building and extend a short distance southwards. The Minor Avenue façade, south of the elevator and lobbies, was described as changing to a more traditional residential composition, with, among other features, two-level live/work units fronting directly onto the sidewalk.

Following the applicants' presentation, the Board asked several clarifying questions before opening the meeting to public comment. One set of questions focused on the opaque 48-inch high wall separating the park from the proposed terraces on the west side of the structure and the desirability of providing "eyes on the park." The architect agreed to study a modification to lower the partial height wall at the north terrace and use a rail or material that will make the barrier more transparent while maintaining the privacy of the adjacent residents.

## PUBLIC COMMENTS

Comment was solicited from the two members of the public attending the meeting. A nearby property owner, also a representative of a neighborhood-based organization, expressed her general support for the proposal as well as support for the departure requests regarding expanded upper-level residential coverage and diminished open space. The requests, she noted, were in line with departures granted for other similar projects in the neighborhood.

### Departures from Development Standards:

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).

The following departures from Land Use Code development standards were requested by the applicants at the recommendation meeting:

- SMC 23.47.008D-the residential portion of a structure above 13 feet in height shall be limited to 64% lot coverage; the applicant requested an increase in lot coverage to 73%.
- SMC 23.47.016 C1-street trees shall be provided in the planting strip; the applicant requests elimination of street trees in the vicinity of the retail uses in accordance with SMC 23.47.016 C2g, and substitution of on-site planting boxes that include specimen trees, on-site planting of vines on blank walls and trellises as a substitute for the remaining required street trees
- SMC 23.47.024- an area equal to 20% of the gross floor area in residential use shall be usable open space for the residents; applicant requests a reduction in required usable open space to 15.1%.
- SMC 23.54.030 G-for two-way driveways at least twenty-two feet wide a sight triangle on the exiting side of the driveway shall be provided; the applicant requests that mirrors and/or other approved safety measures be substituted for the required sight triangle.

## BOARD DELIBERATIONS

Having heard the applicants' presentation of the proposal and requested design departures, and having asked clarifying questions of the proposal, and after soliciting comments from the public, the Design Review Board entered into deliberation of the proposal.

Among the chief concerns expressed by Board members were the following:

- the lack of an actual accessible connection to the park, noting that the design of the building still seemed to be sealed it off from the park
- the absence of traditional street trees in the proposal
- the lack of a physical or visible connection between the park and the interior open space

Additional guidance from the Board included the following:

- the stair corner on the Minor Street façade should be further studied to allow for possible chamfering and opening of the site line from the egress lane of the garage

- the sharp corner of glass at the ground level of the retail space should be eliminated because it imposes an unnecessary visual barrier between the park's entrance and pedestrians approaching on Pine from the east and a door into the retail space should be placed at this corner to open it up altogether
- ways should be found to make the stairwell south of the driveway more transparent

Significant Board discussion centered about three other issues, each related to a requested departure from development standards: 1) the quantity and quality of usable residential open space proposed to be provided, 2) the quality and location of trees and vegetation along the Minor Avenue streetscape, and 3) the relationship of vehicles exiting from the underground parking garage and the security and safety of those in the public realm.

### Residential Usable Open Space

Since the applicant was requesting a departure from the Code-required amount of usable open space, the Board discussed their willingness to grant the departure, provided that proponent should clearly enrich the quality the remaining open space that is being provided.

### Street Trees

The Board indicated that they thought there was a need for street trees as well as other landscaping along Minor Avenue. There was considerable discussion whether the proposed planters, in front of the live/work units could be considered a tradeoff to the required street trees. Some members of the Board believed the planters could be made larger so they accommodate small trees. In addition, it was suggested that more small planting beds and vine pockets could be introduced at other locations along the east façade. Without requesting any further design refinements or specifics for this alternative, and leaving aside issues of horticultural practicability, the Board agreed that large planting boxes might well provide a solution to the perceived need for landscaping along the east façade of the proposed structure.

*Note: Conversations between the applicant, DPD and SDOT subsequent to the Design Review recommendation meeting produced the following agreement: Street trees would be provided by the applicant by means of realigning the curb further into the right-of-way and providing an expanded planting strip and sidewalk along the west side of Minor Avenue. The applicant shall provide the improvements, with SDOT handling the permitting and review of the proposed right-of-way improvements. Final approval of the right-of-way improvements shall have DPD review for concurrence with the provisions and conditions of this MUP.*

### Vehicle Exiting

In order to minimize the impact of entering and existing vehicles and to ensure public safety, the Board suggested looking at several options: narrowing the drive lanes to 10 feet wide each, adding glass to the exit stair corner if possible, or the use of mirrors and alarms.

Upon completing their discussions and deliberations the three members of the Board present supported recommending the granting of the allowable development standard departures that were requested by the applicant and recommended approval of the project's design as presented at the meeting. These recommendations were made in view of the applicants' expressed

commitment to thoroughly study and respond to the Board's requested modifications as described in these notes.

*Note: Conversations between the applicant, DPD and SDOT subsequent to the Design Review recommendation meeting produced the following agreement: Street trees would be provided by the applicant by means of realigning the curb further into the right-of-way and providing an expanded planting strip and sidewalk along the west side of Minor Avenue. The applicant shall provide the improvements, with SDOT handling the permitting and review of the proposed right-of-way improvements. Final approval of the right-of-way improvements shall have DPD review for concurrence with the provisions and conditions of this MUP.*

### **DECISION - DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, the three Design Review Board members present unanimously recommended approval of the subject design. The same three Board members unanimously recommended approval of the requested development standard departures.

The Director of DPD has reviewed the recommendations of the three Design Review Board members present at the Design Review recommendation meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* and that the applicant has demonstrated that the requested development standard departures would result in a development which better meets the intent of the adopted Design Guidelines.

Therefore, the proposed design is **approved** as presented at the December 7, 2005, Design Review Board meeting, with the alterations subsequently required for street improvements and corrections required through zoning review. The following recommended **departures** from development standards are also **approved**, subject to the Design Review conditions, enumerated below.

### **ANALYSIS - SEPA**

This analysis relies on the SEPA checklist submitted by the applicant on May 18, 2005. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and

the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

### Short-Term Impacts

#### Construction-Related Impacts

##### Demolition and Excavation

Excavation of 6,400 cubic yards of earth on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of any contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

##### Traffic

It is anticipated that the proposal would require excavation of approximately 6,400 cubic yards of material, none of which is to be stockpiled on site. The excavated material would be exported to an as yet undetermined site. Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for

localized traffic disruptions. It is expected that existing regulatory authority in place with Seattle Department of Transportation (SDOT) would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

There is a public sidewalk that abuts the proposal site on Minor Avenue. Since the surrounding streets provide regular pathways for pedestrians, especially for those who work and reside in the area, it is necessary to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained. The Minor Avenue sidewalk along the project site shall generally be kept open and safely passable throughout the construction period. Sidewalk modifications and closures will need to be closely coordinated with the impact on pedestrian wayfinding. Any case for the need for the temporary closure of the sidewalk fronting the site is to be disclosed for SDOT approval.

### Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of adjacent and nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day).

### Air Quality

Demolition and construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. Puget Sound Clean Air Agency urges that all diesel construction equipment used in this expansion near downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process 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, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

#### Long-Term Impacts — Use-Related Impacts

##### Land Use

The proposed project, with its right-of-way improvements, street-level non-residential uses, entries along sidewalks, and residential use is consistent with the City of Seattle Comprehensive Plan (1994).

##### Transportation

The elements of the transportation study prepared by The Transpo Group for the proposal, and dated June 3, 2005, were determined by DPD to establish the study area, and the key traffic issues. The Transpo report evaluates the net additional impacts of the proposed project.

##### Traffic

The Transportation Impact Analysis prepared by Heffron Transportation, Inc. indicates that the proposed development is anticipated to generate 290 vehicle trips per day, with 18 vehicle trips during the AM peak hour and 26 vehicle trips during the PM peak hour. This includes the additional daily trips associated with the live/work units. The study estimates that, if it were occupied, the Olivetti office building could generate 60 vehicle trips per day, with 8 vehicle trips during both the AM and PM peak hours. This indicates that the redevelopment would result in a net increase in daily AM and PM peak hours compared to conditions with the existing office space in use. The increase, however, would be small—18 PM peak hour trips and 10 AM peak hour trips. The project would add only a small amount of traffic (likely less than 20 trips during peak hours) to area streets. The small increase in traffic volume is not anticipated to result in any changes that would adversely affect local traffic conditions. No further mitigation under SEPA authority seems warranted.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-lines relevant to this project would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

Parking

The site is well served by public transportation. Parking will be provided on site for both the live/work and residential uses. The project proposes to provide 125 parking spaces (approximately 1.5 spaces per residential unit). This is expected to adequately accommodate demand from residents. Some parking demand generated by the retail portion of the proposed new structure and by visitors to the live/work and other residents at metered on-street spaces. The overall demand of the project for on-street parking, however, is not expected to result in significant adverse impacts to the local parking supply, even if parking is relegated to but one side of Minor Avenue where it abuts the project.

No further SEPA conditioning is warranted.

**DECISION-STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

**CONDITIONS – SEPA**

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit a copy of the PSCAA notice of construction.

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 waterproofing material and shall remain posted on-site for the duration of the construction.

2. The applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. and 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, and Veteran's Day. Activities which

