



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

Project Number: 3035730-LU
Applicant Name: Jodi Patterson-O'Hare
Address of Proposal: 5201 42nd Avenue South

SUMMARY OF PROPOSAL

Land Use Application to allow 3, 5-story apartment buildings (193 units total) with 3 live/work units, restaurant, and retail. Parking for 86 vehicles proposed. Existing building to be demolished. Design Review Early Design Guidance conducted under 3035987-EG.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*

**Departures are listed near the end of the Design Review Analysis in this document.*

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

The site was granted relief on steep slope development by the SDCI Geotechnical Engineer on March 30, 2020:

“We require an Environmentally Critical Areas (ECAs) review for this project. Further, we require a geotechnical letter and topographic survey as part of building permit application. The project is not described. Based on a review of the submitted information as well as the City GIS system, we conclude that steep slope areas exist at and adjacent to the site do not appear quality for criteria established in the Critical Areas Regulations (CARs), SMC 25.09.045 (ECA exemption) because the development is not described. However, existing steep slope areas appear to qualify for the criteria established in the CARs, SMC 25.09.090.B2b. Specifically, the City GIS system and the submitted information for this ECA relief application demonstrated that steep slope areas appear to have been created by previous legal grading activities associated with street improvement and site development. Consequently, we waive the ECA Steep Slope Development Standards in SMC 25.09.090.B.1 for the project associated with the subsequent building permit application. For this reason, we will not require an ECA Steep Slope Area Variance for this project. We condition our approval upon a building permit application for a design that demonstrates that the proposed project will be completely stabilized in accordance with the geotechnical engineer’s recommendations and provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this project.”



The top of this image is North. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

SITE AND VICINITY

Site Zone:

Split zoned: Neighborhood Commercial 2 with a 55' height limit (NC2-55 (M)) & Multifamily Lowrise 2 M (LR2 (M))

Zoning Pattern:

Neighborhood Commercial zoning continues to the northwest and southeast along Rainier Ave S. To the north and east the zoning designation shifts to Lowrise before transitioning to Residential Small Lot and Single Family.

- (North) NC2-55 (M) & LR2 (M) & Lowrise 3 (M) [LR3 (M)]
- (South) NC2-55 (M) & Neighborhood Commercial 2-65 (M1) [NC2-65 (M1)]
- (East) Neighborhood Residential 3 (NR 3) & Residential Small Lot (RSL (M))
- (West) Neighborhood Commercial 3 65' (M1) (NC3-65 (M1))

Environmentally Critical Areas:

Adjacent to the site to the north is an existing wetland and its wetland buffer extends onto the project site. The easterly portion of the site is mapped as Environmentally Critical Area (ECA) Steep Slope.

Current and Surrounding Development; Neighborhood Character; Access:

This project site, located within the Columbia City neighborhood, lies on the east side of Rainier Avenue South commercial corridor and the west side of 42nd Avenue South, which is more residential in character. The 56,925 square foot development site comprises three existing tax parcels with a three-story, crescent shaped multifamily residential structure, a single-story warehouse structure, and accessory surface parking areas. The through-lot site has frontages on both Rainier Ave S and 42nd Ave. S. The site's topography declines approximately 6' from the west and then rises approximately 25' from east resulting in a bowl-like terrain. Mature trees are sited near the western, eastern areas of the property and adjacent to the site's northern boundary line. An existing 10' wide stormwater easement bisects the western half of the site from the north to the south. Vehicular access to the subject site is possible from Rainier Avenue South, 42nd Avenue S and an existing alley.

Adjacent development includes a mixed-use commercial/residential structure and multifamily residential buildings (townhouses) to the north; single-family residences to the east; commercial structures (warehouse and retail) and vacant land to the south; and a commercial building (auto repair) to the west. The immediate vicinity is predominantly larger-scaled commercial and multifamily residential developments on the blocks adjacent to Rainier Avenue South, which transitions to smaller-scale multifamily developments (townhomes, rowhouse buildings) and then single-family residential properties moving towards the east and the west from this right-of-way (ROW).

Rainier Avenue South is a principal arterial which provides a north-south connection throughout southeast Seattle and the historic Columbia City Landmark District one block north of the project site. The existing immediate neighborhood context along Rainier Avenue South are low-scaled older commercial buildings set back from the street edge. Further north and south, older and newer commercial structures along Rainier form a stronger street edge with pedestrian-scaled storefronts. Single-family residential and multifamily residential (townhomes, rowhouses, apartments) representative of a mix of traditional architecture interspersed with contemporary architecture are located along 42nd Avenue South. There are several projects that are currently under review or under construction for proposed development in the vicinity and just south of the project site [5256 Rainier Avenue South ("Site A" 3025493-LU/ 6628112-PH) and 5217 42nd Avenue South ("Site B" 3025781-LU/6628121-PH)]. Recreational opportunities exist nearby at the Rainier Community Center/Playfield, a City Park (Hitt's Hill Park and a Seattle Public Library (Columbia Branch).

PUBLIC COMMENT

The public comment period ended on 5/3/2021. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to Puget Sound Clean Air Agency regulations and impacts to on-street parking availability.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE January 12, 2021

PUBLIC COMMENT

The following public comments were offered at this meeting (with SDCI staff response in *italics*):

- Appreciated the presentation of differing design concepts with varying pros and cons.
- Asked about the decision-making process for selecting the preferred design scheme and inquired if there was an opportunity for consideration of an alternative design concept.
- Questioned how the pandemic has impacted the applicant's design plans and considerations (i.e. future commercial uses, residential typology).
- Asked what parking options had been considered for the townhomes shown for design option C in the absence of garage and surface parking areas.
- Appreciated the proposed designated walkway alleyway.
- Voiced appreciation for the consideration of outdoor amenities and green spaces. Asked if these amenities will be public spaces or restricted from the public solely for building tenants/resident's use.
- Liked the applicant's consideration of the existing neighbor context but felt that more attention regarding impacts on the properties north of the project site (i.e. sunlight, parking noise, traffic, etc.) required further study.
- Voiced support for design options that minimizes the bulk and scale of massing from the residential edge-specifically from 42nd Avenue South.
- Explained that several of the community members in the neighborhood speak a first language other than English. Concerned that the meeting notification and project information was solely presented in English language format and requested that the EDG meeting be rescheduled to include interpreters, and future meeting notification/information in languages that reflect the majority of the community's languages.

The SDCI Design Review (DR) Program Manager confirmed that SDCI received confirmation from the Department of Neighborhoods (DON) that the applicant conducted their required community outreach in multiple languages. The SDCI DR Manger further clarified that the EDG meeting notification was solely written in English; however, this notification includes instructions on how to request translator/interpreter attendance at the EDG meeting.

- Encouraged a design that includes considerations and specific measures about the design and space during construction-especially accessibility for the disabled and cyclists.
- Not supportive of the applicant's intent to remove and recreate the existing historical mural which was created by the community and is considered a representation of many aspects of the black and brown culture rooted in the building and of service to the community.
- Concerned that the design reflects the trend of gentrification of neighborhoods that have historically been inhabited by black and brown citizens.
- Encouraged a design that includes overhead weather protection and accommodates outdoor seating along Rainier Avenue South.

SDCI staff also summarized design related comments received in writing prior to the meeting:

- Supported the residential development.
- Commented that live-work units aren't always successful and suggested placing the retail spaces adjacent to each other or across the breezeway to allow for continuity if the live-work units aren't successful. Encouraged further examination of the arrangement of ground-related interior spaces (residential lobby, trash room, etc.) to ensure that disruptions to the retail use flow are minimized and opportunity for connectivity to the commercial uses at the neighboring development to the south are considered.
- Asked about the relationship between the project proposal and the permitted new development south of the project site. Questioned if areas between the neighboring developments would be available to the community for access to/from public transit on Rainier Avenue South.
- Inquired about the project's building height, rooftop amenity areas, onsite parking configuration and access, residential unit typology and quantity, and commercial use.
- Discouraged vehicular access to onsite parking via 42nd Avenue South to minimize excessive traffic through the residential neighborhood.

The Seattle Department of Transportation offered the following comments:

- Stated that street trees inside a 5.5' landscape area between a 6" curb and 6' sidewalk are the minimum requirements along the Rainier Avenue South and the 42nd Avenue South frontages.
- Encouraged aligning the Rainier Avenue South improvements with the adjacent development site to the south, with potential sidewalk narrowing at the existing mature street tree.
- Required protecting and retaining the existing mature street tree on Rainier Avenue South.
- Encouraged aligning the 42nd Avenue South improvements with the adjacent development site to the south as well as extending the existing curb south.
- Stated that ADA compliant curb ramps are required to be installed at the T-intersection with South Dawson Street and improvements to the ADA compliant receiving ramps on the east side of 42nd Avenue South are required.
- Stated that all unused curb cuts shall be closed.

- Stated the alley ROW width is required to be a minimum of 16' and assumed the project will eliminate the need for a 1' wall in the alley proposed by the adjacent development site to the south.
- Stated that a turnaround is required as the alley does not connect to a through street. The proposed development south of the alley is planning to provide this turnaround via easement, however if that project does not move forward, then 5201 42nd Avenue South would be required to provide a turnaround.
- Supported consolidating vehicle access to the alley.
- Stated that solid waste service should be consolidated to the alley to the maximum extent possible, though the wide landscaped area on 42nd Avenue South may present an opportunity to stage carts from the proposed townhouses at least 5' away from new street trees.

Additional comment provided to SDCI included the following:

- Asked if the residents at the Crescent Apartments will be offered housing in the new development and information about such process.
- Asked about the quantity of designated low-income housing proposed for the new development and if such affordable housing will be prioritized for neighborhood residents.
- Some comments and questions regarding ROW/utility improvements, construction impacts (noise, wetland protection, tree protection, dust), construction management (point of contact) and demolition/construction phasing/timelines.
- Request to be added to the notification list for this project.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review. Concerns with building height calculations, mandatory affordable housing requirements and bicycle storage standards are addressed under the City's zoning code and are not part of this review.

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

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

1. Design Concept, Massing, Architectural Context and Character, Public Engagement:

The design and siting of the new mixed-use commercial and residential development should complement the established context, be compatible with existing and anticipated architectural

context, incorporate existing site features and strive for an appropriate transition to a less intense zone. (CS2.D, CS3.A, CS3.B)

- a. At the EDG meeting, the Board appreciated hearing and reviewing the detailed information regarding existing context, preliminary site planning and the distinct massing comparisons conveyed in the applicant's presentation and in the EDG design packet. The Board reviewed the three presented massing concepts ("Scheme A", "Scheme B" and "Scheme C") and voiced support for the applicant's preferred scheme ("Scheme C") to move forward to Master Use Permit (MUP) submittal with the following guidance:
 - i. The Board understood the complexities of developing the subject site (sloped topography, restricted wetland buffer area, split-zoning designation, stormwater easement, etc.) and stated that the overall massing shown for Scheme C was sited in the most reasonable manner to respond to those existing site constraints/challenges. Yet, the Board examined the angled placement of Building C from the 42nd Avenue South ROW and discussed if that arrangement was appropriate. Ultimately, the Board stated that Building C should be sited in a manner that maximizes opportunities for usable/level exterior open space and preservation of the existing trees along 42nd Avenue South intended to contribute to an appropriate transition to the adjacent zoning. (CS1.C, CS1.D, CS2.B, CS2.D)
 - ii. The Board observed that the shadow analysis provided in the design packet which illustrated shadow impacts on the existing wetland area and stated that as the massing evolves, this impact should be considered in terms of the wetland restoration and future landscaping. (CS1.B, CS1.D)
 - iii. The Board voiced concern about the possibility of expansive blank walls- especially on the buildings' north and south facades. The Board expects that all facades and retaining walls include treatment that is attractive, interesting and consistent with the overall architectural concept. This concern should be addressed in the next design iteration. (DC2.B, DC2.D)
- b. In response to public commentary regarding outreach about the future development, the Board also voiced disappointment hearing about the minimal quantity of community outreach performed and the way the public outreach meeting was conducted for this multi-ethnic neighborhood (solely in the English language). Although the Board understood that the applicant received DON approval for their community outreach, the Board felt that a stronger effort towards inclusive community engagement was necessary in this instance. Thus, the Board strongly encouraged the applicant/design team to perform additional inclusive community outreach before the Recommendation meeting, with the intention of learning information about the project site and neighborhood that could be captured in the new project. The Board appreciated that the design team welcomed this direction. (CS3.A, CS3.B)
- c. The Board supported the applicant's verbal intent to integrate existing (mural) and/or new public art into the project. The Board also agreed with public sentiment on the importance that authentic voices within the community provide input regarding the significance of the existing art on the site. The Board requested the design team

- provide an inventory of the existing art on the project site; create a plan demonstrating how art will be incorporated in the project; garner input from the community; and present said plan to the Board at the Recommendation phase of review. (CS3.A, CS3.B)
- d. In terms of materiality, the Board stated an expectation that the next design iteration evolves with appropriate durable high-quality materials/elements/finishes that are comparable to the material palettes demonstrated in the design packet (pgs. 48-49). (DC2.D, DC4.A)

2. Site Circulation, Amenity Areas and Service Uses:

- a. The Board reviewed the site plan and expressed difficulty in understanding and differentiating between public, common and private residential walkways and open spaces. At the Recommendation meeting, the Board expects the design team to demonstrate how the design has evolved to clarify site circulation within the project in terms of dedicated public-only areas, common residential walkways/open spaces, private residential walkways/open spaces, universal accessibility (widened ramp/stairs), site security and privacy and wayfinding. (PL1.B, PL2.A, PL2.B, PL2.D, PL3.B, DC3.B.1)
- b. The Board requested the applicant examine locating and arranging the ground-related commercial uses/entries along Rainier Avenue South in manner that could engage the breezeway entrance and accommodate ancillary activities (seating, etc.) to activate the public terrace area within the site. (PL3.C, DC1.A)
- c. In terms of amenity areas, Board questions and comments focused on the amenity area (common courtyard) between Buildings' B and C of Scheme 3. The Board expects to review an ensemble of design elements (lighting, landscaping, hardscape, seating, screening, etc.) for all proposed onsite common areas at the next meeting. (CS1.D, DC3.A, DC3.B, DC3.C, DC4.C, DC4.D)
- d. The Board supported opportunities that heighten connectivity between the project and the adjacent permitted mixed-use project to the south and requested that these connections (design, pedestrian walkways, landscaping, open spaces, ground-related uses, alley experience, etc.) be strengthened and clarified as the design evolves. The Board also requested the design team provide information about the development to the south (ground-related uses, alley utilization, vehicular access, pedestrian infrastructure, topography, site security/gate, etc.) that would assist the Board in understanding the pedestrian/motorist/residents' experience along that shared property line and within the alley. (PL1.B, PL2.A, PL2.B, DC1.B, DC1.C)
- e. The Board considered the preliminary information concerning the waste/recycling storage location and access that had been conveyed by the applicant at the EDG meeting. The Board requested that specifics concerning waste storage requirements, location(s), access, staging and feedback from SDCI and Seattle Public Utilities (SPU) be presented to the Board at the next meeting. (DC1.B.1, DC1.C.4)

RECOMMENDATION March 22, 2022

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Noted the bulk and height of Building B is significantly greater than existing structures and expressed concern that the mass will negatively impact single family homes to the north and west, specifically reducing daylight availability to homes to the north in the winter. Recommended a lower maximum height that does not conflict with neighboring homes and negatively impact the quality of life.
- Strongly supported the project and felt the design was thoughtful and appropriate for the context, including well organized elevation designs that will activate street edges.

SDCI staff also summarized design related comments received in writing prior to the meeting:

- Appreciated proposed residential and commercial uses.
- Encouraged increased walkability.
- Encouraged preserving bicycle access in the area.
- Concerned with vehicle circulation off of Rainier, per DC1-B-1.
- Encouraged an accessible ramp rather than a staircase.
- Requested clarification if the walkway is a public amenity.
- Complimented the strong street wall, respect to the neighborhood context, and the pedestrian connection from Rainier Avenue South to 42nd Avenue South.
- Support for retaining more trees, particularly along 42nd Avenue South.
- Opposition to the departure for the Building C setback along the north property line as it will impact sun exposure of adjacent properties to the north.

The Seattle Department of Transportation offered the following comments:

- SDOT is coordinating with the applicant on the proposed right-of-way improvements and the project is currently in 30% Street Improvement Permit (SIP) review.
- Noted no additional feedback on the Rainier Avenue South or 42nd Avenue South frontages since EDG.
- Alley improvements are required to be coordinated with vehicular and solid waste access needs for the site. SDOT and SPU is coordinating with the applicant on a truck turnaround solution for pickup of 3YD containers that maintains a minimum 2' backing clearance from all vertical obstructions in the alley.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review.

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

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following recommendations.

1. Façade Composition & Materiality:

- a. The Board initially stated concern with the flatness of the Rainier Avenue South façade of Building A. Upon further acknowledgement of key aspects of this façade-the transparency at the corners, the massing notch at the breezeway, the staggered fenestration pattern, and overall material contrast and variety-the Board ultimately did not recommend any changes. However, the Board did recommend a condition that the façade variation and material variety as shown in the Recommendation packet be maintained. (DC2.A, DC2.B, DC2.D, DC4.A)
- b. The Board recommended approval of the proposed materials with some feedback on the placement of certain materials outlined below. The Board agreed that the proposed color palette felt appropriate for the Columbia City neighborhood and recommended approval. (DC2.D, DC4.A)
 - i. The Board appreciated the use of brick on the 42nd Avenue South frontage and agreed it is an appropriate response to the smaller-scale development to the north. (DC2.D, DC4.A)
 - ii. The Board questioned whether the use of wood siding is appropriate along the Rainier Avenue South commercial live/work units' frontage given the potential wear-and-tear in this high-traffic location as well as the more residential quality of the proposed material. The Board encouraged the applicant to consider a different materiality along the live/work frontage that would enhance the commercial quality but did not recommend a condition. (DC2.D, DC4.A)

2. Street Level & Pedestrian Experience:

- a. The Board strongly supported the pedestrian connection within the site extending from Rainier Avenue South to 42nd Avenue South. The Board discussed the character of the breezeway and the importance of establishing the public quality of this pedestrian connection. The Board was concerned that the area may feel dark and not as inviting to the public as it should. Therefore, the Board recommended a condition to further develop the public character of this area to engage all intended users. This could include additional signage, locations for artwork within the breezeway, the use of lighter materials on the walls of the breezeway, and additional lighting. Any additional lighting should not create glare impacts. (PL1.B, PL2.B, PL2.D, DC3.B.3)
- a. At the ground level, the Board agreed that the design was successful at differentiating the various uses through the usage of storefront windows and red awnings at commercial spaces and signage and planters signifying the residential entry. (DC2.D.1, DC2.E, PL3.A, PL3.C)

3. Landscape Concept and Site Planning:

- a. The Board appreciated the variety of open spaces on the site providing both active and passive uses. The Board noted that while each space was unique, the open space design as a whole felt cohesive and recommended approval. (CS1.D, DC3.A, DC3.B, DC3.C, DC4.C, DC4.D)
- b. The Board discussed the change in the placement and orientation of Building C along 42nd Avenue South since EDG. The Board recommended approval of the proposed siting, supporting the additional space provided to the courtyard for increased functionality, the preservation of additional trees, the alignment with the residences to the north and the strong street edge created. (CS1.C, CS1.D, CS2.B, CS2.C, CS2.D, DC3.A, DC3.B)
- c. The Board noted that the wetland provides an opportunity for public education but did not recommend any condition. (CS1.D)

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the Recommendation meeting the following departures were requested:

1. **Depth Provisions (SMC 23.47A.008.B.3):** The Code requires non-residential uses greater than 600 sq. ft. shall extend an average depth of at least 30' and a minimum depth of 15' from the street-level, street-facing facade.

The applicant proposes to reduce the required average depth of street-level non-residential uses to 20'.

The Board recommended approval of the departure as the resulting design allows for street-facing commercial space along Rainier Avenue South which addresses the angled form of the site while still meeting the minimum depth requirement. The resulting design better meets Design Guidelines DC1.A Arrangement of Interior Uses and CS2.C Relationship to the Block.

2. **Setback Requirements (SMC 23.45.518.A):** The Code requires that facades less than 40' in length have a 5' minimum side setback and facades greater than 40' in length have a 7' average and 5' minimum side setback.

The applicant proposes to allow a 5' average setback along the north façade of Building C.

The Board recommended approval of the departure as the resulting design allows for a wider pedestrian pathway while still respecting existing development to the north. The resulting design better meets Design Guidelines PL1.B Walkways and Connections.

3. **Façade Length (SMC 23.45.527.B.1):** The Code requires that the maximum combined length of all portions of façades within 15' of a lot line that is neither a rear lot line nor a street or alley lot line shall not exceed 65% of the length of that lot line.

The applicant proposes to allow the south façade of Building B to extend 69% of the length of the lot line.

The Board recommended approval of the departure as resulting design allows the width of the building mass to pull back at the courtyard and increase usable open space as well as resolves the overall massing of the building at the corner. The resulting design better meets Design Guidelines CS2.B.3 Character of Open Space and DC2.E Form and Function.

DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines recognized by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

Board Priority Guidelines: CS1.B.1, CS1.D.1, CS2.D, CS3.A, CS3.B, PL1.B, PL2.A, PL2.D, PL3.A, PL3.B, PL3.C, PL4.A, DC2.B.2, DC3.B.4

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a

step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

DESIGN CONCEPT

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

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-3. Multiple Uses: Design parking areas to serve multiple uses such as children's play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept.

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the

same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-CLighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-DTrees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DC4-EProject Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated Tuesday, March 22, 2022 and the materials shown and verbally described by the applicant at the Tuesday, March 22, 2022 Design Recommendation meeting. After considering the site and context, reviewing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Maintain the façade variation and material variety of the Rainier Avenue South façade as shown in the Recommendation packet. (DC2.A, DC2.B, DC2.D, DC4.A)
2. Further develop the public character of the breezeway within the project site that extends from Rainier Avenue South to 42nd Avenue South. (PL1.B, PL2.B, PL2.D, DC3.B.3)

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describing the content of the SDCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on March 22, 2022, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four members of the Southeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

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

Applicant response to Recommended Design Review Conditions:

1. The façade variation and material variety of the Rainier Avenue South façade is maintained as shown in the Recommendation packet. See sheets A311-A315 demonstrate of the plan set dated 10/4/22. The condition is addressed.
2. The applicant provided a response memo dated 10/4/2022 stating: "After reviewing options with and without a mural, it was felt the breezeway design was stronger and cleaner without any artwork along the walls. Per recommendation projected signage

similar to that at the Live/ Work units has been added for the retail space along the breezeway to differentiate it from the residential entry. To make the breezeway feel more inviting, additional lighting has been provided along both walls and ceiling. In order to lighten up the space further, wood siding has been added to the NW wall and is being used for the ceiling as well. Updated interior elevations and RCP have been included in the Plan Set. Additional images from the meeting presentation have also been provided for reference.” See sheets 2.0-2 –2.0-5 of the revised plan set dated 10/4/22. The condition is addressed.

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

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all the recommendations imposed by the Design Review Board have been met.

DIRECTOR’S DECISION

The Director accepts the Design Review Board’s recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions at the end of this Decision.

II. ANALYSIS – SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 10/5/2022. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

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

Earth

The ECA Ordinance and Director's Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Engineering Report, 7/21/21, Earth Solutions NW). The study has been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Environmental Health

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

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among

others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: The Renovation, Repair and Painting Program (RRP), and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: greenhouse gas emissions; historic resources, height bulk and scale; parking and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, historic resources, height bulk and scale, parking, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the residents and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Resources

A historic landmark nomination for the multifamily housing structure was submitted to the Landmarks Preservation Board, which denied the nomination (Landmarks Preservation Board letters, reference number LPB 565/19). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The proposal completed the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not

been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 193 residential units, 3 live/work units and retail space with 86 off-street vehicular parking spaces. The traffic and parking analysis (Traffic and Parking Impact Analysis, Transportation Engineering Northwest, 2/4/22) indicates a total peak demand of approximately 96 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The proposed development peak demand of 96 parking spaces would not be accommodated by the proposed 86 parking off-street spaces in the development, resulting in a spillover demand for 10 on-street parking spaces.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts Urban Villages within 1,320 feet of frequent transit service. This site is located in Columbia City Residential Urban Village within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

Demand for 10 on-street parking spaces would have minimal impact on nearby parking. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.M.

Transportation

The Traffic Impact Analysis (Traffic and Parking Impact Analysis, Transportation Engineering Northwest, 2/ 4/22) indicated that the project is expected to generate a net total increase of 519 daily vehicle trips, with 39 net new PM peak hour trips and 35 AM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- ☐ Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Allison Whitworth, allison.whitworth@seattle.gov, 684-0363).

CONDITIONS – SEPA

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

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

Allison Whitworth, Senior Land Use Planner
Seattle Department of Construction and Inspection

Date: January 12, 2023

AW:bg

Whitworth/3035730-LU