



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

**Project Number:** 3028047-LU  
**Applicant Name:** Derrick Overbay, Encore Architects  
**Address of Proposal:** 4721 38<sup>th</sup> Avenue Southwest

**SUMMARY OF PROPOSAL**

Land Use Application to allow a four story, 51-unit apartment building with one live-work unit. Parking for 23 vehicles is proposed.

The following approvals are required:

**Design Review (Seattle Municipal Code 23.41)**

Departures are listed near the end of the Design Review analysis

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

**SEPA DETERMINATION:**

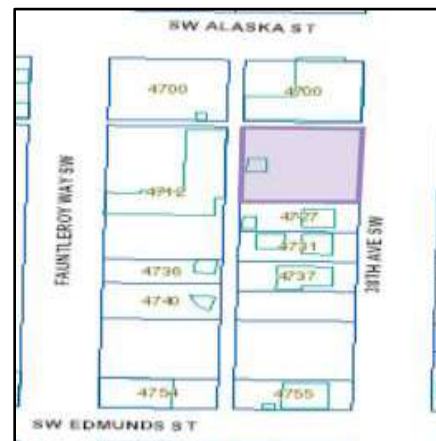
Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

**SITE AND VICINITY**

Site Zone: Neighborhood Commercial Three with a 40' height limit (NC3-40)

Nearby Zones: West of the alley bordering the project site, the zoning changes to NC3 with an 85' height limit. To the north the properties have a zoning nomenclature of NC3P (pedestrian) with a 40' height limit (NC3P-40). To the east across 39<sup>th</sup> Ave SW, the zoning transitions to Single Family 5000. Directly south of the development site, a multi-family Lowrise 2 (LR2) zone extends to SW Edmunds St.



**Lot Description:** The 15,000-square feet has approximately 95-feet of street frontage. The site is entirely paved for a surface parking lot. The site's 17 percent slope rises from the northwest to the southeast.

**Access:** The site is located on SW 38th Street, one-half block east of Fauntleroy Way SW, which is designated as a principal arterial street. An existing alley along the north side of the site provides access directly to Fauntleroy Way SW and to 38th Ave SW. An existing alley along the west side of the site crosses the east-west alley and provides access to SW Alaska Street and SW Edmunds Street.

**Surrounding Development and Neighborhood Character:** The site is located within the West Seattle Junction Hub Urban Village, and the West Seattle Triangle planning area. A defining feature of the area is the diverse mix of residential and commercial uses. Surrounding development along Fauntleroy Ave SW includes a mix of newly constructed and planned midrise, mixed-use and residential structures to the west, east and south, including the recently constructed The Whittaker at the intersection of Fauntleroy and SW Alaska St. Development on the east side of 38<sup>th</sup> Ave SW consists primarily of single-family structures.

## PUBLIC COMMENT

The public comment period commenced on October 16<sup>th</sup>, 2017. An extension request was granted. 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 the need for more parking within the proposed building, too much traffic, and density. Other issues included increasing the width of the alley and the need for a small café in the building.

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

## **I. ANALYSIS – DESIGN REVIEW**

### **EARLY DESIGN GUIDANCE July 20, 2017**

## **PUBLIC COMMENT**

The following public comments were offered at this meeting: supported the project and development of the site finding it fits into the vision of the City and neighborhood.

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

- Noted that the building to the south is setback from the sidewalk and recommended a similar response here to ensure a seamless transition; and
- Noted the bus stop on Fauntleroy Ave SW at the site, and recommended adequate space be provided for pedestrians with benches and without landscaping.

## 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. Architectural Concept:** The architect described the design concept as reminiscent of the nearby shipping yards with their kit of parts: large bases, cranes that are delicate but tall elements that shift, and shipping containers that offer stacking or modulating characteristics. The design evolution and expression of this design concept is found on pages 32-22 of the 3026790-EG EDG Packet (July 20, 2017). The Board supported this concept, finding it compelling with many features of inspiration from which to draw. (DC2-I-ii *Cohesive Architectural Concept*)
  - a. In reviewing the preferred options for Sites A and B, the Board was concerned the design concept was not fully expressed, and instead lacked delicacy and clear scale differentiation. The Board recommended the design concept be fully expressed, and that there should be more rigor to the massing expression with tall elements taller to clearly differentiate recesses in the mass. Overall, the Board supported the preferred Option C for Site A and Option C for Site B. (DC2-I-ii *Cohesive Architectural Concept*)
  - b. The Board stated that Site A, when compared to Site B, was more successful at expressing this concept, as Site B expressed condensed proportions and a lack of strong massing moves. The Board recommended that Site B have a more dynamic expression of The Shift concept specifically (page 33 of the 3026790-EG EDG Packet, July 20, 2017), which would result in more than just a superficial relationship to Site A. (DC2-I-ii *Cohesive Architectural Concept*)
  - c. The shifting masses convey the tall cranes of the shipping yards. In discussing these shifting masses/cranes, the Board recommended that these strong massing moves be tied to the ground level and building program by extending the frame down to the common entries. The north shifting mass successfully suggested a common entry, but the Board gave guidance to further develop that mass as it wraps the corner. The Board also gave direction to resolve the northernmost mass to better convey the design concept, and the southernmost shifting mass to better relate to the ground level and building program. (DC2-I-ii *Cohesive Architectural Concept*)
  - d. The northwest corner of Site A is proposed with a chamfered corner. The Board did not support this design since it did not relate to the design concept, and recommended the corner be orthogonal/rectilinear. (DC2-I-ii *Cohesive Architectural Concept*)
  - e. Secondary architectural features were described as an important detail, and the Board gave guidance that these should relate to the design concept. How balconies are detailed and integrated into the concept shall be presented in the Recommendation packet. (DC2-C-1 *Visual Depth and Interest*)
  - f. The Board requested that a conceptual signage plan be presented in the Recommendation packet, with special attention paid to scale and character to add human scale along Fauntleroy Ave SW (DC4-B-1 *Scale and Character*).
- 2. Landscape Concept:**
  - a. Planters were proposed flanking the northwest corner of the site and at a common entry into a commercial space. These ground level planters were described as conveying a residential character that the Board noted is unsuitable for this site. The Board recommended the ground level planters at the northwest corner of the site be

- removed to provide a strong street edge with adequate room for pedestrians and express a commercial or urban character. Plantings closer to the curb are preferred. To further support the commercial, urban character at ground level, the Board recommended a high level of transparency along Fauntleroy Ave SW. (PL1-B-2 *Pedestrian Volumes*, PL3-A *Entries*)
- b. Site A proposed outdoor courtyards facing Fauntleroy and the alley, while Site B proposed a southern facing courtyard. The Board supported the design concept as it began to differentiate private versus public spaces and agreed that the location of the courtyards should relate to the massing shifts. At the Recommendation meeting, the Board would like to see more detail describing the landscape and hardscape materials proposed. (DC4-D *Trees, Landscape, and Hardscape Materials*)
  - c. The large rooftop green space included a diagonal arrangement described by the applicant team as responding to the views of Seattle to the northeast. Board members questioned this strategy and whether it related to the architectural concept. The Board recommended the landscape concept be informed by the architectural concept, with spaces designated with the use of plantings, hardscape, and texture. (DC4-D *Trees, Landscape, and Hardscape Materials*)

### **3. Alley Relationship:**

- a. Vehicle entries are proposed from the east-west and north-south alleys. The Board supported the location of the garage entrances, particularly with the commercial entry (at the north end of Site A), away from the residential entries for Sites A and B (as shown on page 5 of the 3026790-EG EDG Packet, July 20, 2017).
- b. The Board noted that the relationship of Site A and B at the alley is important, with opportunity for the buildings to relate to each other through the massing, scale, placement of courtyards, datum lines, material references, and/or pattern repetition. Design this area to be safe and well lit. (DC2-I-ii *Cohesive Architectural Concept*, PL2-A-2 *Lighting for Safety*)

## **RECOMMENDATION MEETING April 19, 2018**

### **PUBLIC COMMENT**

No public comments were offered at this meeting.

### **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. Building B, Architectural Concept:**

- a. Building B, also expressing elements of the shipping yard concept, was refined in response to Board guidance. As it relates to the overall concept, Building B is set back from north-south flow along Fauntleroy, providing a more transitional element to the residential neighborhood to the east. As such, the smaller crane element was eliminated, and instead related to the secondary elements of Building A through the use of color, materials and proportions (page 22). (DC1-I *Architectural Concept and Consistency*, DC2-B *Architectural and Facade Composition*)

- b. The Board again appreciated the development since EDG and supported the increased differentiation from Building A (DC1-I *Architectural Concept and Consistency*, DC2-B *Architectural and Facade Composition*).
- c. More specifically, the Board discussed the material application of the east elevation. The material treatment of the east elevation included a concrete base with gray metal siding and wood composite siding (page 32). (DC4-A *Exterior Elements and Finishes*)
- d. The Board expressed concern that this material application resulted in a floating mass perched on a concrete base and did not support the architectural concept as depicted on pages 16-17 of the Recommendation packet, with “core bar” and “balanced entries” (DC1-I *Architectural Concept and Consistency*, DC2-B *Architectural and Facade Composition*).
- e. The Board discussed a change in material application, bringing the central wood composite siding down to the ground at the east elevation or making the wood more prominent to reinforce scale and eliminate the floating mass expression. (DC1-I *Architectural Concept and Consistency*, DC2-B *Architectural and Facade Composition*)
- f. The Board recommended a condition to require further development of this material application on the east elevation to better express the design parti diagrams on pages 16 and 17 of the Recommendation packet. (DC1-I *Architectural Concept and Consistency*, DC4-A *Exterior Elements and Finishes*).
- g. The Board also recommended a condition to explore reveal lines, belly band, or other treatment at the concrete base on the east elevation. (DC1-I *Architectural Concept and Consistency*, DC4-A *Exterior Elements and Finishes*).

## **2. Building B, Ground Floor:**

- a. The residential lobby entry was located at the southeast corner of the building, while the live-work entry was located at the northeast corner at the alley. The Board supported the residential lobby at the south end, finding it provided an appropriate nod to the adjacent residential neighborhood. (CS2-C *Relationship to the Block*)
- b. The live-work entry, however, was described by the Board as stressed or beleaguered as it was below the grade of the sidewalk. Despite the depressed entry sequence for the live-work unit, the Board agreed this location offered the best solution given its proximity to the alley to the north. Furthermore, the related departure request to reduce the floor-to-floor height was supported by the Board, as is described further below. (CS2-C *Relationship to the Block*)
- c. The Board discussed the proximity of the live-work entry to the alley and agreed this alley will be heavily used by pedestrians and vehicles which demands attention to the safety and security of the space. (CS2-C *Relationship to the Block*)
- d. To address these concerns, the Board conditioned the project to explore scored concrete in the alley and to add lighting for safety. (PL2-B *Safety and Security*).
- e. The Board expressed less concern about the north-south alley between Buildings A and B but reiterated the condition for enough lighting for safety and security, while designing the lighting to minimize potential glare on adjacent residential properties. (CS2-C *Relationship to the Block*, PL2-B *Safety and Security*)

## **3. Rooftop Landscaping:**

- a. The Board supported the roof level landscape plans for both Building A and B (DC4-D *Trees, Landscape, and Hardscape Materials*).

- b. Namely, the Board supported the location of the active roof deck locations, agreeing they were located away from the adjacent residential development and to mitigate noise and privacy impacts (PL1-B *Walkways and Connections*).
- c. While the crane element was described as lacking from the rooftop landscape plans, the Board supported the organization and height differentiation of the planting selection (DC4-D *Trees, Landscape, and Hardscape Materials*).

## DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures were based on the departures' potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departures.

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

1. **Parking Location within a Structure** (SMC 23.47A.032.B.1.b.): The Code requires street-level parking to be separated from a street-level street facing façade by another permitted use.

The applicant proposes an elimination of this requirement to allow 51-square feet of the east street-level street-facing façade of Building B to be occupied by parking.

The Board recommended approval of this departure request due to the sloped sidewalk and that some of the space will be below grade. The Board agreed the departure request resulted in a design that better met the intent of the Design Guidelines. (CS2-C *Relationship to the Block, DC2-I Architectural Concept and Consistency*)

2. **Street Level Height Provision** (SMC 23.47A.008.B.4.): The Code requires non-residential uses at street—level to have a 13-foot floor-to-floor height.

The applicant proposes a reduction to this requirement to allow a 12-foot floor-to-floor height for the live-work unit at the northeast corner of Building B.

The Board recommended approval of this departure request due to the sloping grade. The Board agreed the departure request resulted in a design that better met the intent of the Design Guidelines. (CS2-C *Relationship to the Block, PL3-A Entries*)

## DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

<b>CONTEXT &amp; SITE</b>
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<b>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.</b>
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## CS2-C Relationship to the Block

**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.

### *West Seattle Junction Supplemental Guidance:*

#### **CS2-III Height, Bulk and Scale**

**CS2-III-iv. Break Up Visual Mass:** The arrangement of architectural elements, materials and colors should aid in mitigating height, bulk and scale impacts of Neighborhood Commercial development, particularly at the upper levels. For development greater than 65 feet in height, a strong horizontal treatment (e.g. cornice line) should occur at 65 ft. Consider a change of materials, as well as a progressively lighter color application to reduce the appearance of upper levels from the street and adjacent properties. The use of architectural style, details (e.g. rooflines, cornice lines, fenestration patterns), and materials found in less intensive surrounding buildings should be considered.

## **PUBLIC LIFE**

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

#### **PL1-B Walkways and Connections**

**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.

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

#### **PL2-B Safety and Security**

**PL2-B-2. Lighting for Safety:** Provide lighting at enough 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.

**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.

**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-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-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).

### *West Seattle Junction Supplemental Guidance:*

## **DC2-I Architectural Concept and Consistency**

**DC2-I-ii. Cohesive Architectural Concept:** The use and repetition of architectural features and building materials, textures and colors can help create unity in a structure. Consider how the following can contribute to a building that exhibits a cohesive architectural concept:

- a. facade modulation and articulation;
- b. windows and fenestration patterns;
- c. trim and moldings;
- d. grilles and railings;
- e. lighting and signage.

## **DC2-II Human Scale**

**DC2-II-i. Pedestrian-Oriented Facades:** Facades should contain elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity.

## **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-D Trees, 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.

### *West Seattle Junction Supplemental Guidance:*

## **DC4-I Human Scale**



**DC4-I-i. Signage:** Signs should add interest to the street level environment. They can unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Design signage that is appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types are encouraged:

- a. pedestrian-oriented blade and window signs;
- b. marquee signs and signs on overhead weather protection;
- c. appropriately sized neon signs.

## **BOARD RECOMMENDATION**

The recommendation summarized above was based on the design review packet dated Thursday, April 19, 2018, and the materials shown and verbally described by the applicant at the Thursday, April 19, 2018 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

## **RECOMMENDED CONDITIONS**

1. Building B: Further develop the material application on the east elevation to reinforce scale and eliminate the floating mass expression, better expressing the design parti diagrams on pages 16 and 17 of the Recommendation packet (DC1-I Architectural Concept and Consistency, DC4-A Exterior Elements and Finishes).
2. Building B: Explore reveal lines, belly band, or other treatment at the concrete base on the east elevation. (DC1-I Architectural Concept and Consistency, DC4-A Exterior Elements and Finishes).
3. Building B: To address safety and security concerns, explore scored concrete in the alley abutting to the north and add lighting for safety and security (PL2-B Safety and Security).
4. Building B: Explore further refinement of the concrete base at the east elevation to better express the design parti illustrated on pages 16 and 17 of the Recommendation packet. (DC1-I Architectural Concept and Consistency, DC4-A Exterior Elements and Finishes)

## **ANALYSIS & DECISION – DESIGN REVIEW**

### Director's Analysis

The design review process prescribed in Section 23.41.014.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 April 19, 2018, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Five members of the Southwest 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.F.3).

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. Building B (3028047-LU): The material of the central mass element was lowered, resulting in the horizontal wood tone siding extending below the level of the masses on either side and engaging the concrete base, eliminating the common podium line that was identified as a visual problem, and encompassing the garage intake louvers. This also brought the horizontal siding closer to the pedestrian level.
2. Building B (3028047-LU): Reveal lines were introduced to the concrete base on all elevations where exposed. Vertical lines picked up the rhythm of windows and doors and horizontal reveals at the window head and mullion lines.
3. Building B (3028047-LU): Scoring is proposed and subject to approval from SDOT.
4. Building B (3028047-LU): In addition to the massing revisions noted in item one above, vertical reveal lines were introduced into the concrete below aligning with the windows and further integrating the base. The concrete base also steps in plan with the mass above, reinforcing the modulation and different massing moves.

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 five 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 condition summarized at the end of this Decision.

### II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (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 September 18, 2017. The Seattle Department of Construction and Inspections (SDCI) 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 greenhouse gas emissions, construction impacts, and environmental health.

#### 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.

The area includes limited and timed or metered on-street parking. Additional 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. It is anticipated that impacts associated with construction activities will be mitigated by the Street Use Ordinance (SMC Title 15); therefore, additional mitigation pursuant to SEPA policy SMC 25.05.675.B. is not warranted.

#### 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 choose one: 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones. If extended construction hours are desired, 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.

#### Environmental Health

The applicant submitted studies regarding existing lead and arsenic contamination on site (*Summary of Environmental Conditions*" Aspect Consulting, February 8, 2018). If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State Agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the *Summary of Environmental Conditions* (Aspect Consulting, February 8, 2018), the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the "Summary of Environmental Conditions" (Aspect Consulting, February 8, 2018) are followed, then it is not anticipated that the characterization,

removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Remedial Action Work Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority.

The proposed strategies and compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development; therefore, no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F. The applicant will need to prepare a Construction Monitoring and Management Plan (CMMP) before commencement of construction activities on the site. The CMMP will establish the procedures the contractors will follow when excavating, handling and disposing of all soil removed from the subject property.

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: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; 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, historic preservation, height bulk and scale, parking, and transportation warrant further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction 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.

### Height, Bulk, and Scale

The proposal has gone through 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 and additional mitigation is not warranted under SMC 25.05.675.G.

### Historic Preservation

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure on site is unlikely to qualify for historic landmark status (*Landmarks Preservation Board, LPB 870/17*, December 11, 2017). 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.

### Parking

The proposed development includes 51 residential units with 23 off-street vehicular parking spaces. The traffic and parking analysis (*Transportation Impact Analysis*, TranspoGroup, February 2018) studied a scope of 53 units with 23 residential vehicular spaces and indicated a peak demand for approximately 41 vehicles from the proposed development, creating a spillover of up to 22 vehicles on to possible on-street parking. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 68% within 800-feet of the site. The proposed development peak demand of 22 parking spaces would not be accommodated by the proposed 23 parking off-street spaces in the garage, resulting in a spillover demand for 23 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 81%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 90 to 92% within 800-feet of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in Urban Villages within 1,320 feet of frequent transit service. This site is in West Seattle Junction Hub 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.

### Transportation

The Traffic Impact Analysis (*Transportation Impact Analysis*, TranspoGroup, February 2018) studied a scope of 53 units and two live/work units and indicated that the project is expected to generate a net total of 234 daily vehicle trips, with 22 net new PM Peak Hour trips and 18 AM Peak hour trips.

The additional trips would have an impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The SDCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further 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 environmental impact statement (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 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 (Carly Guillory, [carly.guillory@seattle.gov](mailto:carly.guillory@seattle.gov)).

### **CONDITIONS – SEPA**

#### **Prior to Building Permit Issuance**

2. The applicant will prepare and submit a Construction Monitoring and Management Plan (CMMP) before commencement of construction activities on the site.

Bruce Philip Rips, AICP, AIA Assoc., Land Use Supervisor  
Seattle Department of Construction and Inspections

Date: February 7, 2019

BPR:dmm

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### **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

#### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a two-year life. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.