



Notice of Decision (NOD)

File Number(s): SPR20-0003

Project Name: Mayer Court Apartments

Project Address: 15005 Military Road South

Parcel Number: 004100-0390, 004100-0391, 004100-0395, 004100-0398

Project Description: Construction of a mixed-use development with four buildings, three to four stories in height, with 87 residential units and 3,559 square feet of commercial space. Parking is provided through surface parking and underbuilding parking.

Applicant: Rune Harkestad, Riverton Housing LLC; 845 NE 106th Avenue, #100, Bellevue, WA 98004; 425-450-1162

Agent/Contact: Same as Applicant

Staff Contact: Dennis Hartwick, *Senior Planner*; Department of Community and Economic Development; 4800 South 188th Street, SeaTac, WA 98188; dhartwick@seatacwa.gov; 206-973-4837

Decision: Approved with conditions (see below)

I. Background

A. General

The Mayer Court Apartments project was previously approved on 03/09/2020, through SPR19-0001 for a mixed-use development with 117 residential units and 10,445 square feet of commercial space. The Applicant revised the concept for the project as described above and applied for SPR20-0003 on 09/09/2020.

B. Site and Neighborhood

1. Site Description

The site is located at the southwest corner of Military Road South and South 150th Street. The site consists of four parcels and is approximately 2.23 acres in size (2.17 acres after right-of-way dedication along South 150th Street). The site slopes down from west to east, with an elevation change of approximately 40 feet. The site is currently developed with three residences totaling 4,390 square feet, three commercial buildings totaling 5,507 square feet, and surface parking.

2. Land Use

The land use for the site and adjacent properties are as follows:

- a. Site: Commercial, single-family residential
- b. North: Multi-family residential
- c. South: Multi-family residential, commercial
- d. East: Government offices

- e. West: Single-family residential
- 3. Zoning
 - a. Site: CB-C (Community Business in Urban Center), UH-1-800 (Urban High Density Residential); see Exhibit H
 - b. North: UH-900 (Urban High Density Residential), CB-C (Community Business in Urban Center)
 - c. South: UH-900 (Urban High Density Residential)
 - d. East: RC (Regional Commercial) [Tukwila]
 - e. West: UL-7,200 (Urban Low Density Residential)
- 4. Comprehensive Plan Designations
 - a. Site: Commercial High Density, Residential High Density
 - b. North: Residential High Density
 - c. South: Residential High Density, Commercial High Density
 - d. East: Regional Commercial (Tukwila)
 - e. West: Residential Medium Density
- 5. Utilities, Services

The utilities and services for the site are as follows:

 - a. Water District: King County Water District #125
 - b. Sewer District: Valley View Sewer District
 - c. School District: Highline School District
 - d. Fire District: Puget Sound Regional Fire Authority

C. Project Timeline

- 1. Application (Exhibit A) submitted: 09/09/2020
- 2. Determination of Incompleteness (DOI) (Exhibit L) issued: 09/15/2020
- 3. Determination of Completeness (DOC) (Exhibit M) issued: 10/19/2020
- 4. Notice of Application (NOA) (Exhibit N) issued: 11/03/2020
- 5. SEPA determination (Exhibit O) issued: 10/31/2019

D. SEPA Review

The City issued a Determination of Nonsignificance (DNS) on October 31, 2019 for the previous Mayer Court Apartments project (SPR19-0001). The comment period for the SEPA action ended on November 12, 2019. Public comments (Exhibit Q) were received from the following individuals/organizations:

- a. The Department of Ecology recommended that the City include conditions of approval for soil sampling and cleanup related to the Tacoma Smelter Plume.

Because the redesign for the project under SPR20-0003 did not increase the size of the project and scope of the original environmental review, no additional analysis was warranted, and a new threshold determination was not issued.

E. Departures and Waivers

The Applicant requested departures (Exhibit C) to the following zoning requirements:

1. SMC 15.305.310(B)(1) requires 5% of the net site area to set aside for open space, which amounts to 4,857 square feet for this development. The Applicant is providing approximately 1,500 square feet of commercial open space through additional sidewalk width and a small plaza that is adjacent to the 3,559 square feet of commercial space at the northeast corner of the site.
2. SMC 15.510.110(B) requires multiple building residential developments to orient the buildings to the street. The Applicant requested the departure to orient Building A to the site's woonerf instead of the street because of the terrain and site shape constraints. The proposed design locates the majority of the building's windows on the east and west façades, overlooking and providing eyes on the woonerf.
3. SMC 15.510.200(A)(1) requires residential developments to prioritize the pedestrian environment and provide a safe, integrated circulation system. Further, the code requires grade-separated sidewalks from vehicle circulation. The Applicant is providing a woonerf instead of a grade-separated sidewalk system. Woonerfs are spaces designed to accommodate pedestrians, bicycles, and vehicles, and to reduce vehicle speed and dominance. The woonerf will be constructed of asphalt and scored concrete, with the scored concrete bordering and banding the asphalt sections.
4. SMC 15.510.420(A)(3)(b) requires 5 feet of Type III landscaping to buffer outdoor recreation space. The Applicant requested a reduction in the amount of landscaping buffer for the western boundary of the outdoor recreation space located to the east of Building D. The reason for the request is to increase visibility to the recreation space from Building D. The Applicant is providing shrubs and groundcover in place of the Type III landscaping.

II. Findings

A. Land Use

The proposed uses for the property – multi-family and retail/commercial – are permitted in CB-C and UH-1,800 zones in the South 154th Street Station Area.

B. Development Standards

City staff analyzed the proposal for compliance with the applicable development standards of the zoning code. As the tables below illustrate, the proposal complies with the applicable zoning code regulations with the exception of the departures granted through this decision (see Section I.E above).

Dimensional Standards

CB-C (see Exhibit H)

Standard	Requirement	Proposal	Complies?
Lot area, minimum	N/A	N/A	N/A
Development site area, minimum	N/A	N/A	N/A
Setbacks			
Front, minimum	Front yard setbacks in the 154 th SA are based on the street the building is fronting. Buildings fronting	A. <u>Military Road South</u> – 90% at back of pedestrian zone; maximum setback is 10 feet 6 inches	Yes
Front, maximum			

Standard	Requirement	Proposal	Complies?
	A. <u>Military Road South</u> – 60% of the building frontage shall be set at the back of the pedestrian zone (the pedestrian zone is the area between the back of curb to the face of a building. It may include both private property and public right-of-way. The pedestrian zone width along Military Road South is 8 feet). The remaining 40% of the building may be set back no more than 20 feet. B. <u>South 150th Street</u> – 0' minimum, 10' maximum.	B. <u>South 150th Street</u> – maximum setback is 6 feet 8 inches.	
Rear, minimum	N/A – site is a corner lot and thus has two front yards and two side yards	N/A	N/A
Side, minimum	5 feet	20 feet 1 inch (south property line)	Yes
Building lot coverage, maximum	75%	36.4% (entire site)	Yes
Lot width, minimum	N/A	N/A	N/A
Structure height, minimum	18 feet	43.5 feet (average height for sloped property)	Yes
Structure height, maximum	FAA/Fire Department	43.5 feet (average height for sloped property)	Yes

UH-1,800 (see Exhibit H)

Standard	Requirement	Proposal	Complies?
Lot area, minimum	N/A	N/A	N/A
Development site area, minimum	N/A	N/A	N/A
Setbacks			
Front, minimum	0 feet	10 feet	Yes
Front, maximum	10 feet		
Rear, minimum	N/A – site is a corner lot and thus has two front yards and two side yards	N/A	N/A
Side, minimum	5 feet	12 feet (south property line)	Yes

Standard	Requirement	Proposal	Complies?
Building lot coverage, maximum	75%	36.4% (entire site)	Yes
Lot width, minimum	N/A	N/A	N/A
Structure height, minimum	18 feet	41 feet 5 inches (average height for sloped property)	Yes
Structure height, maximum	55 feet	41 feet 5 inches (average height for sloped property)	Yes

Landscaping Standards

Standard	Requirement	Proposal	Complies?
Street frontage	<u>Military Road South</u> – Per SMC 15.445.010(C)(1)(b), front yard open space is required in lieu of street frontage landscaping; <u>South 150th Street</u> – 10 feet, Type III	<u>Military Road South</u> – The Applicant expanded the pedestrian zone in lieu of street frontage landscaping per SMC 15.305.320(B)(1) and SMC 15.445.010(C)(1)(b); <u>South 150th Street</u> – 10 feet, Type III, except for the portion of the site in the CB-C zone	Yes
Building façade	5 feet, Type V, except for façade adjacent to Military Road South	5 feet, Type V, except for Building C's façades adjacent to Military Road South and South 150 th Street and Building A's façade adjacent to South 150 th Street (for the portion of the building in CB-C zone)	Yes
Side/rear yards	5 feet, Type III	5 feet, Type III	Yes
Side/rear yards for non-compatible uses	N/A	N/A	N/A
Parking lot	5 feet of Type III for the perimeter of the parking lot and at least one landscape island is required for every 7 parking spaces. For the parking lot adjacent to the mixed use building, at least 10% of the interior parking area shall have landscaping.	5 feet of Type III for the perimeter of the parking lot, landscape islands, and 10% interior parking lot landscaping.	Yes

Parking Standards

Standard	Requirement	Proposal	Complies?
Off-street parking spaces, commercial	15; 10 with 30% reduction per SMC 15.305.410	12	Yes, complies with approved reduction request (see Exhibit D)
Off-street parking spaces, multi-family	136; 89 with 35% reduction per SMC 15.305.410	100	Yes, complies with approved reduction request (see Exhibit D)
Parking space dimension	8.5 feet by 18 feet	8.5 feet by 18 feet	Yes

Recreation and Open Space

Standard	Requirement	Proposal	Complies?
Multi-family recreation space	60 square feet per unit = 5,220 square feet	5,480 square feet (does not include private amenity space)	Yes
Multi-family outdoor common space	75% of overall recreation space requirement = 3,938 square feet	4,460 square feet	Yes
Commercial open space	5% of net site area = 4,720 square feet	330 square feet	Yes, complies with approved departure request (see Exhibit C)

III. Public Comments

The NOA was published in the Seattle Times on November 3, 2020. The NOA was also posted on the site and mailed to property owners within 300 feet of the site. The comment period ended on November 17, 2020. No public comments were received.

IV. Decision

The Preliminary Site Plan Review SPR20-0003 is hereby approved with conditions. You, or parties of record, may appeal this “Notice of Decision” (NOD) within fourteen (14) days from this date to the City of SeaTac Hearing Examiner. All appeals must be received by the SeaTac City Clerk no later than **5:00 p.m., Friday, December 24, 2021**. There is a filing fee to appeal this action. Please check with City Staff for more information.

V. Conditions

The approval for the preliminary site plan review is subject to the following conditions:

A. Planning Division

1. Site and building development shall substantially conform to the approved site plan and building elevations.
2. A tree retention covenant per SMC 15.445.420(B) must be submitted prior to the STE permit approval.
3. A recorded lot consolidation must be submitted before the issuance of a building permit.
4. The following items will be required before the issuance of a certificate of occupancy. Please note that more items may be identified during the building permit review.

- a. A recreation space maintenance bond; and
- b. A landscaping maintenance bond.
5. Commercial open space design [SMC 15.305.320(B) and (C)] was not reviewed with the preliminary site plan and will be reviewed at the time of building permit.
6. Pedestrian lights must not exceed 12 feet in height and vehicle lighting must not exceed 16 feet in height per SMC 15.510.150(B).
7. Signage shall be posted at the driveway entrances to alert drivers and pedestrians of the woonerf/shared space design.

B. Engineering Review Division

1. The developer shall submit Right-Of-Way Permit(s) complying with the latest edition of the King County Road Design and Construction Standards for all work performed within the City's Right-of-Way. Each franchised utility doing work in the ROW, if necessary, should also submit separate ROW Permits.
2. The developer will likely be required to submit a Haul Permit per SMC 11.10.080.D and RCW 70.105.010, and RCW 43.200.015.
3. Traffic Impact Fees pursuant to SMC 11.15.040 shall be applied to the project at the building permit stage.
4. The developer shall construct street frontage improvements along South 150th Street as reviewed and approved through permit ROW21-0107. This includes pedestrian improvements in accordance with the system plans in Chapter 4 of the Transportation Master Plan. The developer shall also replace any driveway entrances along Military Road South not being shown in the planset for ROW21-0107 with sidewalk and landscaping.
5. The southern driveway entrance on Military Road South will need to be adjusted during STE permit review.
6. The retail trash/recycle bins shall only be placed in the ROW on trash pickup days. Otherwise, these shall remain outside of the ROW.
7. See enclosed Engineering Review Letter (Exhibit R) for additional details.

VI. Exhibits

- A. Application
- B. SEPA Checklist
- C. Departure requests
- D. Parking reduction request
- E. Traffic impact analysis
- F. Vicinity map
- G. Aerial photo
- H. Zoning map
- I. Site plan
- J. Elevations
- K. Landscaping plan

- L. Determination of Incompleteness (DOI)
- M. Determination of Completeness (DOC)
- N. Notice of Application (NOA)
- O. SEPA determination
- P. Final Staff Evaluation
- Q. Public comments on the SEPA determination
- R. Engineering Review Letter

Approved by:



Jennifer Kester, *Planning Manager*

12/10/2021

Date

Please note that affected property owners may request a change in valuation for property tax purposes not withstanding any program of revaluation.