



City of Seattle

Gregory J. Nickels, Mayor  
Department of Planning and Development  
D. M. Sugimura, Director

## EARLY DESIGN GUIDANCE Of AREA 7, THE CAPITOL HILL DESIGN REVIEW BOARD

Meeting Date: February 7, 2007

### BACKGROUND INFORMATION

Project Number: 3006284

Address: 422 & 428 Malden Avenue East

Applicant: Shanna Kovalchick, Architect, Nicholson / Kovalchick (NK)  
Architects for Kelly Byrne of Del-Byrne LLC

Board Members Present: Jack Schwaegler, Chair  
Rumi Takahashi  
James Walker

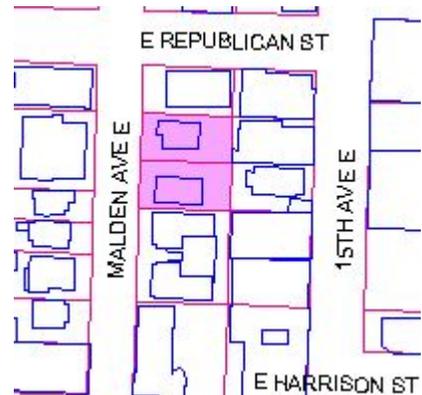
Board Members Absent: Dan Williams  
Wes Larson

Staff Member Present: Art Pederson

### PROJECT AND SITE DESCRIPTION

The project proposes a 10 to 12 unit townhouse development with 5 to 6 units in each of two structures. Up to eighteen parking spaces would be provided in an underground parking structured accessed from Malden Avenue East. Design Review is required because the development proposes more than 8 units in this Lowrise 3 (L3) zone.

The site is comprised of two parcels. The parcel addressed as 422 Malden Avenue East is vacant; the parcel addressed as 428 contains an older single-family structure but now has multiple residential units. This structure will be demolished under this proposal. The overall site size is approximately 102 feet by 99 feet, totaling approximately 10,147 square feet in area. The 422 site contains four large trees.



The surrounding zoning and land uses are as follows: The site's east (rear) property boundary coincides with the north to south zone boundary between the Lowrise 3 Zone of the site and block and the Neighborhood Commercial 2 - 40 foot height limit (NC 2-40) zone to the east. The L-3 zone extends to the north, south, and to the west across Malden Avenue East of the subject site. The NC 2-40 zone extends to the north and south along both sides of the 15<sup>th</sup> Avenue East commercial area.

## ARCHITECT'S PRESENTATION

Michael Godfried, architect with NK Architects, gave a description of the neighborhood's character and presented the project goals along with three possible development scenarios.

The site is a part of the neighborhood's residential area that supports the north end of Capitol Hill's 15<sup>th</sup> Avenue East commercial corridor. From the boundary between the NC zone and the L3 residential zone, formed by the rear property lines of the parcels on the east side of Malden Avenue East, residential zoning and uses extend to the west and Broadway Avenue East. The neighborhood's residential uses and structures are a mix of single and multi-family buildings built between the early 1900's and the present. The older 1920's era apartment structures, usually three-stories with either wood or brick exteriors, are considered by the applicant to be the predominant positive urban context they would like their project to emulate. A positive element of this building type is their location near the sidewalk, often with the first story approximately one-half story above the sidewalk level. This building form and design defines the "street wall" for a pedestrian supportive urban environment and creates a visual connection between the sidewalk and the living units while still assuring residential privacy. These examples, according to the applicant, are different from what is encouraged by the current L-3 zoning regulations.

The project goal is to create a design for 10 to 12 townhouses that support and enhance the neighborhood's existing urban character. The utilization of "Green Build" methods will be included. The first development scenario, Option 1, proposes 10 units with a typical central driveway access courtyard separating the street facing and rear structure. Four units would be in two buildings along the street and six units in two buildings in the rear. The shared driveway would be in the center of the street frontage between the two street facing buildings. Open space for each unit would face either the street (for the street facing units) or the rear and adjacent to the commercial buildings that front on 15<sup>th</sup> Avenue East. This scenario is not considered favorable by the applicants since it utilizes a substantial portion of the structure's ground floors and the site for parking and access. Because of this, the open space requirements are then met by placing the open space for the street facing units along the street, resulting in front set-backs that do not respond to the favorable neighborhood streetscape character as described above, and place the rear unit's open space by the adjacent commercial uses. The resulting building massing is blandly imitative of standard townhouse development, which is also not responsive to the favorable neighborhood building character.

Option 2 proposes 12 units in two structures. Each structure would extend perpendicularly from Malden Avenue East, and therefore each would have the side of only one unit facing the street. A pedestrian access walkway would extend from the street in between the structures. Open space for the units would be at the rear of each structure on the north and south sides of the lot. Parking would be in a common below grade garage with driveway access along the north side of the lot. This scenario, by removing the extensive on-site driveway and at grade parking, allows more ground area for non-vehicular use, including in each unit's first level. It also allows more density (2 additional units) and an optimal passive solar design building orientation. One possible negative consequence of this scenario is that the units address the internal courtyard, not the street. This scenario would require *Design Departures* for front and rear setback, structure depth, lot coverage and amount of open space.

Option 3, the applicant's preferred scenario, proposes 10 units in two structures, both parallel to the street, but one structure facing the street and the other at the rear of the lot. The area in between the two structures would be an internal courtyard for tenant pedestrian access and some open space for all units. The main entries for the street facing units would face Malden Avenue

East, as would a portion of their respective open spaces. The possibility of raising the first level of the street facing units one-half level above grade to allow for front entry stoops and a transitional separation between the units and the sidewalk is being considered. A residential entry walkway for the rear structure and units would extend from the street to and through the center courtyard to the unit’s west facing main entries. The open space for these units would be divided between their front, or west side on the courtyard, and rear (east side).

This scenario is preferred because like Option 2, it removes the extensive on-site driveway and at grade parking common to typical townhouse development, thereby allowing more ground area for non-vehicular use, including in each unit’s first level; it allows for greater parking capacity than Option 2 because of the location of the driveway ramp; it has the main entries and frontage of five units on the street (typical of the neighborhood development pattern); it is the best arrangement for natural ventilation; it creates an internal (project) community courtyard by its central walkway bordered by individual open space; and it does not require all of the rear unit’s open space to border on the commercial development to the east. This scenario requires *Design Departures* from front and rear setbacks, lot coverage, open space location and dimension, and asks that the modulation to be provided be derived from the building design and site, and not strict prescriptive Code requirements.

**DEPARTURES FROM CODE STANDARDS**

For preferred Option 3, five *Design Departures* from Code requirements are anticipated as outlined below.

**SUMMARY OF DEPARTURE REQUESTS**

<b>Land Use Code Standard</b>	<b>Proposed Amount of Departure</b>	<b>Rationale for Request</b>	<b>Board Recommendation</b>
<b>Lot Coverage.</b> Limited to 50 percent of lot area (SMC 23.45.010). Allowed coverage is approximately 5,073 SF.	A small but undetermined increase.	Would allow better unit size and configuration relative to proposed “non-stereotypical” site plan.	The Board will continue to consider this request based on how it improves the site and building designs.
<b>Building Modulation.</b> Specific modulation dimensions required for front and interior facades based on façade length (SMC 23.45.012)	An as-yet undetermined modification of the required amount for either or both the front and interior facades.	Modification of the specific dimensional requirements would allow a more flexible and neighborhood context sensitive design.	The Board will continue to consider this request based on how it improves the building design.
<b>Front Set-Back.</b> The average of the principal structures on either side, but not less than 5 feet or more than 15 feet (SMC 23.45.014). Required set-back is 15 feet.	5 feet from the property line.	A 15-foot front set-back will require the street facing unit’s open space to be entirely at the front, likely resulting in a frontage of fences and structure set-back that is atypical for the neighborhood’s desirable building / street relationship.	The Board is not supportive of a 5 foot setback, but is supportive of the design goals. A 10 foot set-back would be considered based on the design quality of building / street relationship.
<b>Rear Set-Back.</b> Twenty percent of lot depth and	10 feet.	A 15-foot rear set-back would necessitate locating the rear	The Board expressed support for this idea

<p>not less than 15 feet (SMC 23.45.014). 15 feet required.</p>		<p>structure’s open space along the property boundary with the adjacent NC commercial zone. This would lessen the quality of the open space and result in the loss of character to the proposed interior courtyard space.</p>	<p>due to the proximity of the NC uses (one is an outdoor seating area for an adjacent restaurant) and the positive qualities of the proposed entry courtyard. Both rear and courtyard open spaces must result in an overall higher quality.</p>
<p><b>Side Set-Back.</b> Based on proposed structure depth and height (SMC 23.45.014). Not determined but not less than 5 feet.</p>	<p>None proposed by applicant, but raised by Board during deliberation.</p>	<p>A possible “<i>Exceptional</i>” tree at the site’s southwest corner, not considered as such by the applicant, may be required to be retained and protected.</p>	<p>The Board suggested this departure as a possible solution to preserve the tree if feasible and required following an arborist survey and concurrence by the City. The street facing structure could be shifted to the south to relocate the driveway to the north or shifted to the north to move the driveway away from the tree.</p>
<p><b>Open Space.</b> Average of 300 SF for all units, with a minimum of 200 SF per unit. Dimension and location requirements also apply. (SMC 23.44.016)</p>	<p>Under preferred Option 3, likely reduction in minimum dimension and location relative to interior living areas.</p>	<p>Flexibility in the open space standards would allow the open space for both structures to be divided between their front and rear (respectively) and the courtyard. This would create a better street relationship, lessen the impact of the NC uses on the rear units, and allow the creation of a semi-public tenant oriented interior common area.</p>	<p>The Board will continue to consider this request based on how it responds to the applicant’s stated design objectives.</p>

**PUBLIC COMMENT**

Four members of the community attended the Early Design Guidance meeting. Comments and concerns offered were as follows:

- The presentation materials do not indicate the presence of on site trees, as required by Code. There are three important trees: (reported as) a Horse Chestnut, Red Cedar, and Ponderosa Pine.
- Trees are a significant feature of this neighborhood; it is ironic that a purported “Green” project would not consider retaining the trees.

- Many neighborhood buildings have single-family set-back depths; not all are close to the street. It is not the structures but set-backs that make a pedestrian friendly atmosphere in this neighborhood. The set-backs can be used for needed landscaping.
- The requested set-back departure is not warranted considering the narrow planting strip.
- The departures are used to fit more units than could be built without departures.
- Disabled access should be included in the project's design.
- Preferred Option 3 results in a flat façade. The architects should look at the two 10-year old condominium buildings to the south for guidance. These look like private houses of a 1910 vintage and fit the neighborhood, particularly the houses across the street.
- The early 1900 single-family houses across the street have traditional front yards (set-backs) that seem to expand the street; reduced set-backs will constrain the street.
- The building's architectural concept should respond to the neighborhoods architectural context, not introduce new architectural elements and styles.
- The driveway entry should have good visibility due to high traffic volumes with a narrow street.
- The raised first floors with accompanying stoops is a good method to create privacy with proximity to the sidewalk.
- Don't make the mistake of the condominium building to the south and have windows that are too big to create tenant privacy.
- The adjacent restaurant's outdoor patio will create privacy and noise conflicts with the proposed rear units.

## **PRIORITIES**

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

### **A. Site Planning**

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

The site contains a number of trees, none of which were shown on the presented site plan. A public comment at the meeting brought these to the Board's attention. The tree at the site's southwest corner was thought to be a Ponderosa Pine and possibly a tree that could be considered *Exceptional* under City SEPA (State Environmental Policy Act) policies. Two other large trees at the center of the site were described as a Western Red Cedar and Horse Chestnut.

Pending a definitive identification of the three (or more) trees, the Board assumed the trees at the center of the site would not be retained due to their critical location to almost any development scenario. The Board did discuss project siting options to preserve the southwest tree, if this ultimately was required following SEPA environmental review during Master Use Permit (MUP) application.

Because the proposed driveway and garage entry for Option 3 are in the southwest tree's location, the project would require substantial re-configuration. The Board directed the

applicant to consider alternatives to tree removal (if feasible or not required by *Exceptional* status). The Board would consider design departure requests related to this end at the next meeting.

(Staff Note: A preliminary tree identification site visit was made within a few days of the EDG meeting. A Western Red Cedar, if over 4 feet in diameter and in good health, must be considered for designation as *Exceptional*. However, this tree appears to be less than 4 feet in diameter and is also in a weakened condition due to having multiple leaders, probably from previously topping. The adjacent deciduous tree was not positively identified as a Horse Chestnut, but is in very poor condition. In either situation, it would not be considered for *Exceptional* status. The southwest tree was identified as a Western White Pine (*Pinus monticola*) and per SEPA policies should be considered for designation as *Exceptional*. Consequently the applicant is directed to have a certified arborist assess the tree per DPD Director's Rule 6-2001. This assessment will assist DPD in determining if the tree should be retained, or if it is optional per the Board's comments.)

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

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

The Board was generally supportive of locating the street facing structure no less than 10 feet from the property line, in order to create a streetscape that is in keeping with the neighborhood's multi-family character. A structure location closer to the sidewalk requires a design that will ensure resident privacy but also create the public / private interaction desired. This desired interaction is difficult to achieve with traditional larger and fenced open space areas in the front. The design should include stoop-like front entry stairs and first floor units that are approximately 3 to 5-feet above grade; the project design should not continue with the presented 18-inch elevation difference. The ground related set-back area should serve as an open space transition area between the sidewalk and the residences.

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

The design proposes to provide each unit's open space in separate locations to the front and rear of each unit. The goal is to create better open space for the rear units by having some open space away from the adjacent commercial zone and at the same time, create better street interaction for the front units by a reduced front set-back. The interior "courtyard" open space is expected to serve as a semi-public access way and open space for tenants. The Board is generally supportive of these goals. Detailed plans, including landscaping and elevation views, should be included with the MUP submittal and presented for discussion at the Recommendation meeting.

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

The below grade parking entry should be designed for visibility between entering and exiting vehicles, pedestrians, and vehicles in the street. Detailed drawings of how this is achieved should be included with the MUP submittal and presented for review at the Recommendation meeting.

## **B. Height, Bulk and Scale**

**B-1 Height, Bulk and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The reduced front set-back will require sensitivity to height, bulk and scale impacts of the structure as viewed from the street. The design should consider an upper level set-back, differentiation of levels by change in materials, and the use of varied modulation. The *Design Departure* request to vary from the prescriptive modulation requirements should be pursued if the resulting modulation proposed achieves a better street and building interface.

## **C. Architectural Elements and Materials**

**C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The architects discussed exploring an architectural concept that would not mimic the variety and ages of local architectural styles. The Board expressed comfort with the architectural language of other Nicholson / Kovalchick projects presented. The architectural concept should, however, fit the surrounding residential context and achieve the streetscape and pedestrian supportive design direction given in this report.

**C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The choice and quality of the finish materials and colors are an important part of achieving architectural concept and a good neighborhood fit. Proposed material and color boards should be provided to the planner after MUP submittal and will be required at the next design meeting.

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

The ramp and garage opening to the proposed below grade parking should be designed to not create a void in the street wall. The driveway well should include articulation to any retaining walls, possibly a variety of driveway pavement materials, and the inclusion of landscaping to soften this area.

## **D. Pedestrian Environment**

**D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Utility meters and risers should not be located in the proposed reduced front setback. Their

location should be screened from the right of way. Adequate area on site should be provided for the expected 20-30 recycling and garbage containers for the 10 units (10 units x [1 garbage can + paper recycling + glass recycling]). This calculation does not include possible yard waste containers. A possible location to explore for the containers is a communal shed or screened area above the east side of the driveway ramp. This would allow during-the-week storage, so none are kept in the front set-backs of the street facing units, and one collection point for the pick-up day.

### **E. Landscaping**

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and the abutting streetscape.**

The surrounding neighborhood is enhanced by extensive and quality private landscaping. This should be continued on this site. Landscaping should be designed to allow use of some of the front set-backs to allow resident to public interaction.

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellis, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

Landscape screening should be utilized to create a privacy screen between the rear units and the adjacent commercial zone and uses to the east.

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

The landscape design and building siting should respond to the presence and possibly required retention of the existing Western White Pine along the ROW.

### **Staff Comments**

After integrating the above guidance into the project design, the applicant should proceed to submit an application for the full Master Use Permit. Include colored and shadowed elevation drawings and site/landscaping plans in the MUP submittal plans. Include material and color samples for planner review. Finally, please inform the assigned planner when the applicant has secured a MUP intake appointment so any outstanding fees can be calculated for payment at MUP intake.