



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003216 and 3004371  
**Applicant Name:** Jim Bodoia, Mithun Architects for Lorig Associates  
**Address:** 202 and 222 West Highland Drive

**SUMMARY OF PROPOSED ACTION**

Project No. 3003216 at 202 West Highland Drive - Land Use Permit for a five-story apartment building containing 25 units. Parking for 55 vehicles to be provided in a below-grade garage. Project includes 9,777 cubic yards of grading. Existing structures to be removed.

Project #3004371 at 222 West Highland Drive - Land Use Permit for two, three-story residential structures, one duplex and one triplex for a total of five units. Parking for 13 vehicles to be provided in a below-grade garage. Project includes 5,786 cubic yards of grading. Existing structure to be removed.

The following approvals are required:

- **Design Review** - Chapter 23.41 Seattle Municipal Code (SMC).
- **SEPA - Environmental Determination** - Chapter 25.05 SMC.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

## **BACKGROUND DATA**

### Site Description

The site is located at 202 West Highland Drive on the block bounded by W. Highland Dr. on the south, 3<sup>rd</sup> Ave. W. on the west, W. Comstock St. on the north and 2<sup>nd</sup> Ave. W. on the east. There is no alley in the block. The site consists of two parcels extending the entire frontage along W. Highland Dr. The east parcel is 128 feet wide by 116 feet deep, fronts on both 2<sup>nd</sup> Ave. W. and Highland Dr., is zoned Midrise multifamily residential (MR) and is addressed 202 W. Highland Dr. The west parcel is 128 feet wide by 100 feet deep, fronts on both 3<sup>rd</sup> Ave. W. and W. Highland Dr, is zoned Lowrise Duplex Triplex (LDT) and is addressed 222 W. Highland Dr. The east parcel slopes to the south about 15 feet to the southeast corner of the parcel, and is currently developed with a three-story apartment building and a one story garage. The west parcel is vacant, with retaining walls on the north and south property lines.

### Area Development

The site is located across the street, north of, Kerry Park on West Highland Drive on Queen Anne Hill. The neighborhood is developed with large, older single family homes to the south and west, and small to mid-scale multifamily homes to the north and east. There are views of the city across Kerry Park to the south. Queen Anne Ave. N. is two blocks to the east. The retail/commercial district at the top of Queen Anne Hill is approximately six blocks to the north. The historic Victoria Condominium is located east of the property across 2<sup>nd</sup> Ave. W.

### Project Description

The applicant proposes two residential condominium structures of two different scales for these side-by-side parcels which are located in different zones.

#### Project No. 3003216 at 202 West Highland Drive

On the eastern parcel (zoned MR), a 25-unit mid-rise multifamily structure is proposed. The proposed mid-rise structure includes five full floors of residential use, with setbacks at the street, at the second floor, and an additional setback at the upper-most floor along W. Highland and 2nd Avenue W. The proposal includes a smaller residential floor plate (with two units) at grade along W. Highland (with parking behind). The mid-rise building width varies from north to south, incrementally stepping back as the building volume recedes from W. Highland Drive, with the intention of reducing the building's perceived mass. Approximately 68,000 sq. ft. of residential area is proposed for the eastern parcel.

#### Project No. 3004371 at 222 W Highland Drive

On the western parcel (zoned LDT); the applicant proposes two flat-roofed buildings, a duplex and a triplex (5 units total). At the corner of 3<sup>rd</sup> Ave. W. and W. Highland Dr., the proposed duplex includes a flat-type unit at grade (with parking behind), and a two-story "townhouse" type unit above. The proposed triplex building includes a flat-type unit at grade (with parking behind), with two flats stacked above. The organization of the triplex's mass is intended to appear to be two adjacent townhouses. Both the duplex and triplex buildings to be terraced back from the street at the lowest level. Approximately 12,000 sq. ft. of residential area is proposed for the western parcel.

Both structures are setback from the street with terracing at the lowest level. The proposed structures share an underground parking garage with a single point of entry along 2<sup>nd</sup> Ave. W. The project also includes two view corridors through the site (between the duplex and triplex, and between the low-rise and mid-rise building) to the benefit of the single family residences to the North.

The projects were originally intended to be constructed together, as a single development project. However, the applicant has notified DPD that acquisition of both parcels is uncertain at this time. It may be that the developer will be unable to acquire the western parcel, and will only be able to proceed with the project on the eastern parcel. This potentiality is discussed in more detail, below.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

Two design review meetings were held to provide early design guidance for these projects. The first was held on October 5, 2005, and the second was held on January 4<sup>th</sup>, 2006. The Design Review Board members provided the siting and design guidance after visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment. The Design Guidelines of highest priority to this project based on the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" are transcribed and found in the project file available at DPD.

### **Response to Design Review Board Guidance**

In response to guidance from the Board following the first meeting, the garden space along W. Highland Dr. and the landscaped space between the eastern and western parcels have been expanded and further refined with details such as a trellis between the duplex and triplex buildings and added landscaping along the streets. Building materials and details (such as fenestration) are proposed to borrow from and complement the adjacent older buildings.

At the 2<sup>nd</sup> EDG meeting in January, the Board expressed overall approval of the duplex and triplex structures. However, more differentiation between the lowrise and midrise structures was requested to eliminate the visual ties which gave the proposal an institutional or 'campus' appearance. The design team was asked to break down the scale of the midrise structure's south elevation, reduce the height of the midrise clerestory windows, better delineate the residential detail and scale of the midrise structure, clearly illustrate the nature of landscaping along the W. Highland promenade, and clarify the requested departures.

The architect provided a detailed outline of the changes made in response to the Board's guidance:

#### **West Parcel (Lowrise - LDT):**

- Eliminated pre-cast cornice at lower level, to remove visual link to Midrise.
- Articulated pre-cast panel elements at lower entries, stair towers, and chimneys, for improved proportion and scale.
- Added banding and relief at brick masonry of lower lever.

- Recessed windows in masonry walls for additional depth / relief.
- Break continuous trellis element into multiple pieces.
- Introduce metal panel at lower level to accentuate vertical reading; using language of materials at upper levels.
- Emphasize duplex and triplex as individual structures.

**East Parcel (Midrise - MR):**

- Eliminated pre-cast cornice at lower level, to remove visual link to Lowrise.
- Articulated pre-cast panel elements at lower level unit between midrise and lowrise, for improved proportion and scale.
- Introduced recessed brick bays at doorways of lower level.
- Recessed windows in masonry walls for additional depth / relief.
- Change south central bay to brick, and replace its pre-cast cornice with brick.
- Added brick banding and relief to brick masonry at parapet of lower levels, and top of south central bay.
- Reduce window sizes in south central bay.
- Break continuous trellis element into multiple pieces.
- Increase transparency of canopy at base of south central bay.
- Reduce height of penthouse clerestory to improve proportion.

**Public Comments**

The two Early Design Guidance meetings (held on 10/5/05 and 1/4/06) were well attended by the public. Twenty-five members of the public attended the first meeting and about a dozen attended the second. Generally, those who expressed their opinions at the 1<sup>st</sup> EDG meeting supported the architect's preferred option (Alternative C). At the 2<sup>nd</sup> EDG meeting, two neighbors expressed concerns about views. One neighbor asked about the existing driveway on 3<sup>rd</sup> Ave. W., which would be removed under the proposal for the western parcel. A detailed summary of their comments is found in the MUP file.

The Recommendation meeting was held on May 17, 2006. Seventeen members of the public signed the attendance sheet for the meeting. The following comments were offered:

- Appreciates the quality of the design, and the Developer/Architect team's efforts to meet separately with members of the community on four occasions, in addition to voluntary meetings with the Queen Anne Land Use Review Committee. Feels that the effort to provide all of the additional landscaping will enhance the residential character of the buildings.
- Request to look at type of landscaping provided in the parking strip along W. Highland Drive. Feels that the boulevard nature of this street is based on grass and trees alone, not groundcover. (Echoed later by a second person's comments.)
- Request to see parking eliminated on the west side of 2<sup>nd</sup> Avenue W to improve vehicular circulation and safety on the street.
- Request for clarification of parking quantity on site. [approx 14 stalls on lowrise site, and approx 54 stalls on midrise; average of 2 stalls per unit w/ some additional visitor parking]

- Concern about stair penthouses at lowrise roofs, and sightlines for owner of 1212 3<sup>rd</sup> Avenue W.
- Commend the team for listening to the community's comments. Believes the departures are reasonable and actually make it a better project.

### **Design Review Board Final Recommendations**

The applicant applied for the MUPs (Master Use Permits) on February 15, 2006. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on May 17, 2006, to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. **The Board recommended conditional approval.**

The Board appreciated the architects' response to the previous guidance and complimented the team on a "handsome" project. The Board felt the project team "really listened" to their guidance, with the result being a reduction in the appearance of bulk of the midrise structure, a better differentiation between the two buildings, and an overall improved residential (rather than institutional) appearance of the midrise structure and of the project as a whole. The Board also expressed appreciation for the clarity of the explanation of the requested departures. The Board also had praise for the ongoing community outreach efforts of the development team.

The Board recommended that the "eyebrow" (i.e., projecting roof overhang) at the penthouse level should be a different character than the projecting cornice at Level R4, and should be a "lighter" scale (more similar to the LDT structure.)

The Board also recommended additional refinement of the projecting cornice at Level R4, especially where it meets the sides of the south central bay. The architect should explore options for these areas over the south balconies, such as reducing the depth of the overhang to emphasize the bay element or otherwise breaking the continuous line of the projection.

Regarding bulk, the Board noted that the improvements to the midrise clerestory, south central bay and lower level cornice have reduced the apparent mass of the midrise structure.

The Board recommended exploring means of reducing the bulk of the stair penthouses at the lowrise roof. It was suggested that the architects look at the powered roof hatches on the Mallard Cove Townhouses in Eastlake as one way to achieve a reduced roof profile.

The Board recommended adding reveals at concrete planters along west elevation of duplex (like those shown on Highland Drive) to reduce apparent scale.

The Board noted that the pedestrian will experience the project as a long, continuous (low) wall at the street level along Highland Drive. The Board recommended adding more landscaping to the planter/lawn area where the lowrise and midrise buildings meet at ground level, to create more separation between the LDT and MR portions of the site. In particular, in front of Unit A's terrace, the sidewalk planter wall should be modulated and pushed back towards the building to create a small recess. A landscaped berm could also be used to "beef up" the landscaped space at this location and increase the separation between the two portions of the site.

The Board also noted that while the departures seem great in number, the actual impact on the bulk of the structures is minimal and commensurate with the quality of the building design. In particular, the Board noted that the departures result in a project which provides more than four times the required landscaping, and nearly twice the required open space.

The Board voiced unanimous approval of all of the requested development departures, with conditions as described below.

**Summary of Development Standard Departures**

The applicant identified the following development standard departures.

| <i>Development Standard</i> | <i>Requirement</i>  | <i>Proposed</i>  | <i>Recommendation by Board</i>     |
|-----------------------------|---|--|------------------------------------|
| <u>Lot Coverage:</u>        |   |  |                                    |
| East parcel (MR)            | 12,616 sf allowed   | 17,030 sf proposed   | Conditionally approved, see below. |
| West parcel (LDT)           | 35% maximum   | 64% proposed   |                                    |
| <u>Structure Depth:</u>     |   |  |                                    |
| East parcel (MR)            | 83' max. allowed  | Varies from 83' to 120'  | Conditionally approved, see below  |
| West parcel (LDT)           | 60' max. allowed  | 73' proposed   |                                    |
| <u>Structure Width:</u>     |   |  |                                    |
| West parcel (LDT)           | 45' max. allowed with modulation                                  | Duplex: 47'-6"<br>Triplex: 64'-6" (below terrace level)<br>Duplex: 34'/Triplex: 51' (above main terrace level)<br>proposed | Conditionally approved, see below  |
| <u>Side setback:</u>        |   |  |                                    |
| West parcel (LDT)           | 6' average, 5' min.<br><br>10' w/façade <40'<br>15' w/façade >40' | Zero below terrace level   | Conditionally approved, see below  |
| (East Setback)              |   | 6' below terrace level   |                                    |
| (Cluster setback)           |   |  |                                    |
| <u>Rear setback:</u>        |   |  |                                    |
| East parcel (MR)            | 10' with modulation   | Zero below main terrace level  | Conditionally approved, see below  |

| <u>Modulation:</u> |   |   |                                   |
|--------------------|---|---|-----------------------------------|
| West Parcel (LDT)  | On front elevations<br>>30' w/out street facing entry<br>>40' w/st. fcg entry | Modulated, but not in strict compliance | Conditionally approved, see below |
| East parcel (MR)   | all sides when > 65% lot depth  | Modulated, but not in strict compliance |                                   |

**Board Recommended Conditions:**

1. The Board recommended that the “eyebrow” (i.e., projecting roof overhang) at the penthouse level should be a different character than the projecting cornice at Level R4, and should be a “lighter” scale (more similar to the LDT structure.) *(B-1 Height, Bulk and Scale; C-1 Architectural Context; C-2 Architectural Concept and Consistency.)*
2. The Board recommended additional refinement of the projecting cornice at Level R4, especially where it meets the sides of the south central bay. *(B-1 Height, Bulk and Scale; C-1 Architectural Context; C-2 Architectural Concept and Consistency.)*
3. The Board recommended exploring means of reducing the bulk of the stair penthouses at the lowrise roof. *(B-1 Height, Bulk and Scale.)*
4. The Board recommended adding reveals at concrete planters along west elevation of duplex (like those shown on Highland Drive) to reduce apparent scale. *(B-1 Height, Bulk and Scale; C-4 Exterior Finish Materials; E-2 Landscaping to Enhance the Building and/or site.)*
5. The Board recommended adding more landscaping to the planter/lawn area where the lowrise and midrise buildings meet at ground level, to create more separation between the LDT and MR portions of the site. In particular, in front of Unit A’s terrace, the sidewalk planter wall should be modulated and pushed back towards the building to create a small recess. A landscaped berm could also be used to increase the separation between the two portions of the site. *(E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites; E-2 Landscaping to Enhance the Building and/or site.)*

**Response to Board Recommendations:**

In response to the Board’s comments, the applicant submitted revised plans on September 15, 2006. The plans were revised in response to the Board’s comments as follows:

1. The fin on the building’s main cornice has been changed from metal to pre-cast concrete to match the adjacent parapet and cornice banding. The penthouse eyebrow (i.e. projecting roof overhang) remains metal, so this will distinguish the two from one another. Both now have tapered ends to lighten their overall appearance.

2. A third metal bay has been added to the west elevation of the midrise structure, to help break down the mass do the brick volume, as well as improve the way the building “turns” its southwest corner.
3. There is now a step in the upper roof line, at the back one-third of the building mass. This reinforces the hierarchy of the overall building blocks, and accentuates the terracing of the building as it drops from north to south.
4. Significant lengths of the 5<sup>th</sup> floor metal eyebrow have been removed on the west and east elevations, which make the top feel lighter. The “eyebrow” remains only as a wrap to the clerestory, distinguishing this form from the rest of the 5<sup>th</sup> floor. The main cornice fin (now pre-cast concrete) has been reduced in depth from 4’ to 2’-6”, and the manner in which it wraps the south façade has been modified. Instead of covering the 4<sup>th</sup> floor decks and terminating into the sides of the south central bay, the shallower fin wraps each brick corner bay and returns back to the metal wall beyond. This opens up the top decks and lightens the entire cornice line of the south elevation.
5. In response to comments regarding exploration of alternatives which would reduce the bulk of the stair penthouse on the lowrise roof structures, the architect met with DPD Building Code staff. They discussed the concept of a mechanized roof hatch to cover the stair opening, in lieu of a penthouse (as was suggested at the DRB recommendation meeting). DPD Building Code staff explained that private roof decks are considered occupied space and require egress compliant with the IBC (International Building Code). Therefore, roof stairs must have a standard door and hardware that is operable without any special knowledge or use of electrical power, and the proposed hatch would not be acceptable.
6. The stepped planters along 3<sup>rd</sup> Ave. W. have been increased in number from three to five. They are shorter, more equal in height to one another, and additional reveals have been added to the face of the concrete walls, to provide improved scale along this elevation.
7. The entry and terrace of Unit A along W. Highland Drive has been redesigned to provide a deeper garden recess from the back of the sidewalk, increasing street level plantings, and providing a more gracious interface between the low and midrise planters.

### **Midrise-only Option**

In November 2006, the applicants and their representatives met with DPD staff (Vince Lyons and Molly Hurley) to discuss a change in the project. The owners of the Midrise parcel and Lowrise parcel have been unable to reach an agreement regarding the joint development of the two sites. Although it is possible an agreement may be reached and joint development could occur, the possibility of development of the Midrise parcel without the Lowrise parcel was discussed. The “Midrise-only” option would consist of DPD Project No. 3003216 going forward (with minor revisions, described below) without Project No. 3004371.

Subsequently, the applicant outlined the proposed “Midrise only” option in a letter and sketches submitted to DPD on January 23, 2007. The “Midrise only” option would entail proceeding with the Midrise building as it is designed, maintaining the current form and relationship to surrounding properties (including a voluntary “view corridor” for the neighboring residences). The landscaped ‘terrace’ level would remain essentially the same, with a new stepped wall at Highland Drive used to bridge the changes in elevation and retain the existing grade of the adjacent property. The design for the plantings on the terrace level has changed from an ornamental lawn to a more formal garden with a mix of lavender shrubs, ornamental grasses and sedges. This change in plant materials is necessitated by the change in access (and resulting change in maintenance requirements), to the upper level which would no longer be accessible from the backyard of the Lowrise parcel.

The original application treated the two parcels separately for purposes of addressing and application of the Land Use Code, including departures requested under Design Review. As a result, development of the Midrise portion alone would require only minor changes to the requested departures. A summary of the requested departures for the “Midrise only” option as compared with the departures requested for the Midrise structure under the original proposal follows:

| <i>Development Standard</i> | <i>Requirement</i>             | <i>Original Proposal</i>                | <i>“Midrise only” Option</i>            |
|-----------------------------|--------------------------------|---|---|
| <u>Lot Coverage:</u>        |                                |   |   |
| East parcel (MR)            | 12,616 sf allowed              | 17,030 sf proposed                      | 16,594 sf proposed                      |
| <u>Structure Depth:</u>     |                                |   |   |
| East parcel (MR)            | 83’ max. allowed               | Varies from 83’ to 120’                 | Varies within same range                |
| <u>Rear setback:</u>        |                                |   |   |
| East parcel (MR)            | 10’ with modulation            | Zero below main terrace level           | 2’ -9” at lot line of Lowrise parcel    |
| <u>Modulation:</u>          |                                |   |   |
| East parcel (MR)            | all sides when > 65% lot depth | Modulated, but not in strict compliance | Modulated, but not in strict compliance |

**DECISION - DESIGN REVIEW**

Based on the revisions to the plans presented at the applicant’s final Design Review meeting and on further review of staff, the Director supports the recommendations of the Board for the approval of the project and the requested Design Departures. In addition, the Director concurs with the conditions recommended by the Design Review Board. The applicant revised the plans in response to the Boards recommended conditions, and consistency with those revisions will be made conditions of approval.

The “Midrise only” option (as described above) would consist of DPD Project No. 3003216 going forward, with minor revisions, without Project No 3004371. This option is also consistent with the departures requested for the original proposal and with the conditions recommended by the Board.

Accordingly, the proposed 'original' design (DPD Project Nos. 3003216 and 3004371 together) and the "Midrise only" option (DPD Project No. 3003216) and requested departures for both options are **APPROVED** with the conditions listed at the end of this Decision.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts of this February 15, 2006, and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising 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 certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Note: The SEPA checklist and *Transpo* Memorandum prepared for this project analyzed the potential impacts of the original proposal which included both the Lowrise and Midrise parcels. If the applicant decides to develop the "Midrise only" option (described in detail, above) the potential impacts of the proposal are reduced and well within the scope of the SEPA analysis for the larger project.

### **Short-Term Impacts**

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires

debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

### Noise

The site is located in a primarily low to mid density residential zone. Within the general proximity of the site there are numerous apartment buildings and single family residences. Due to the proximity of these residential dwellings, further conditioning is required to address impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structures is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Construction Parking

Construction of the project is proposed to last for several months. Due to the surrounding residential densities, and the limitations of on-street parking in the area, construction related impacts for parking are likely. Demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. This condition will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Height, Bulk, and Scale

The proposed Lowrise project will rise two stories, setback above a one-story base to a flat roof, when viewed from West Highland Drive, and is consistent with the height limit of the Lowrise/Duplex/Triplex zoning. The Midrise project will rise six stories about W. Highland Drive, is stepped back at the second and fifth floor levels, and is below the height limit that could be permitted by the Midrise zoning. East of the project site, across 2<sup>nd</sup> Ave. W., the zoning is also Midrise, as is the property immediately north of the MR site. Immediately north of the LDT site, the zoning is also LDT. West of the LDT project, across 3<sup>rd</sup> Ave. W. and across W. Highland Drive to the south, the zoning changes to Single Family 5000.

The proposed projects are being developed to LDT and MR standards, as allowed by the Land Use Code, and are thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that “the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”

In addition, the SEPA Height, Bulk and Scale Policy states that “(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.” Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Transportation

The required parking for this project, based on the standards in SMC 23.54.015, would be seven (7) parking spaces for the development of the Lowrise parcel and 33 for the development on the Midrise parcel for a total of 40 parking spaces required per code. The applicant is providing a total of 66 parking spaces, 22 spaces in excess of code requirements. Given the parking supply provided, minimal impacts to the on-street parking are anticipated.

The site is currently developed with a 22 unit apartment building and was previously also developed with a single family residence. According to a Memorandum dated February 13, 2006, from *The Transpo Group*, the proposed development of the site is expected to generate no additional traffic during the AM peak hour and two additional trips during the weekday PM peak hour, when the trips associated with the existing site uses are subtracted. Further, the proximity to transit provides significant alternatives for automobile trips.

Given the size of the project, the excess of on-site parking available, the proximity and extent of transit in the immediate area, conditioning under SMC 25.05.675T to provide additional on-site parking is unwarranted.

### Historic Preservation

On March 16, 2005, the City’s Landmarks Preservation Board voted to deny the landmark designation of the Park View Apartment Building at 200-204 W. Highland Drive. Subsequently, on March 21, 2005, a Denial of Designation was issued by The Historic Preservation Program, Seattle Department of Neighborhoods for the subject property.

Seattle Municipal Code Section 2.12.850.A states:

“A. In any case where a site, improvement, or object is nominated for designation as a landmark site or landmark and thereafter the Board fails to approve such nomination or to adopt a report approving designation of such site, improvement or object, such proceeding shall terminate and no new proceeding under this chapter may be commenced with respect to such site, improvement or object within five (5) years from the date of such termination without the written agreement of the owner, except that when the site or improvement nominated is Seattle School District property and is in use as a public school facilities, no new proceeding may be commenced within ten (10) years from the date of such termination.”

Therefore, no other actions are warranted.

**DECISION - STATE ENVIRONMENTAL POLICY ACT**

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

**SEPA CONDITIONS**

*Construction Conditions*

1. The owner and/or responsible party shall provide assurance that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. This condition will be posted at the construction site for the duration of construction activity.
2. All construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structures is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request. This condition will be posted at the construction site for the duration of construction activity.

**NON-APPEALABLE CONDITIONS - DESIGN REVIEW**

3. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Molly Hurley, 684-8278), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
4. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

5. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
6. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
7. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Molly Hurley, (206 684-8278) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: \_\_\_\_\_ (signature on file)  
Molly Hurley, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: March 12, 2007