



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D.M. Sugimura, Director

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

Project Number: 3003476
Applicant: Geoff Anderson of ORB architects for Dr. Quan Le
Address: 4069 Rainier Ave South

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for the construction of a one-story 8,870 square foot building containing retail sales and service, customer service and medical services office with parking for 20 vehicles. The existing structure is proposed to be removed. The following approvals are required:

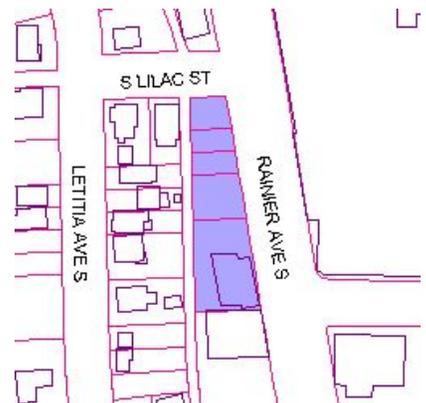
SEPA - Environmental Determination - Chapter 25.05, (SMC)

Design Review - Chapter 23.41, (SMC)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The site, consisting of five platted lots, is located on the corner of Rainier Avenue South and South Lilac Street. South Lilac Street is not a paved or open right of way. The site is zoned Neighborhood Commercial 2, Residential with a 40-foot height limit (NC2-40'). An unimproved alley runs behind the site. A Lowrise 2 zone is to the west of the site across the alley. A Neighborhood Commercial 2, Residential zone with a 40-foot height limit (NC2-40') runs to the north and south of the site. A Lowrise 2 zone is located across the alley to the west. The Darigold Dairy is across Rainier Avenue South.



EARLY DESIGN GUIDANCE

ARCHITECT'S PRESENTATION:

The architect presented the site, the area and existing buildings and the future development. Currently there is a one story medical services building, parking and vacant land that is covered in blackberries and refuse. The proposal calls for a one-story, 9,200 square foot commercial building (medical services and retail sales and service) with surface parking for 20 vehicles. The current owner plans on building a new facility on the site to replace the older building. The existing steep slope will not be disturbed, but a new retaining wall is proposed to replace the existing one. The architect presented building alternatives that focused on the location of the building on the site. The preferred scheme is to site the building to the north of the site near South Lilac Street and locate the parking and trash enclosure to the south of the site. No access from the alley is proposed. South Lilac Street will be improved with a small, new plaza, new plantings, signage, lighting, and possibly new steps.

BOARD CLARIFYING COMMENTS:

The Board clarified several issues regarding the site and the proposal. They asked about parking landscape screening, location of the trash enclosure, office entry locations, and storefront windows. Loading access will be via the parking lot. The owner preference is one story at this location even though the zone allows for 40 foot height.

PUBLIC COMMENTS:

Four members of the public were present at the meeting. Several comments from neighbors were offered. They hoped any roof treatment would minimize glare and that the back wall parapet along the alley would not be too high. Also they hoped the project would not overburden the alley with additional traffic. They were in support of the project to help clean up the ivy and blackberries on the site as well as make minor improvements to the unopened South Lilac right of way. Appropriate lighting for the steps on the Lilac Street right of way should be part of this project. The lighting may help discourage undesirable activity in the area. A street sign for Lilac would be a good addition for addressing and deliveries in the area. Another commentator stated that the landscape plan should be made up of native plants and trees which would help native and migrating birds.

Planner note: The project received a limited exemption to development standards #2107407 for a small steep slope area.

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.

The preferred option is also the option supported by the Board. Show a building façade plan at the next meeting showing desirable streetscape elements. Show a plan for South Lilac Street and show the relationship of Lilac to the new building vis-à-vis transparency, materials, plaza, etc. Show the landscape plan for the whole site.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The board wants the architect to study opportunities to create interesting entrances, entry bays and columns at street level which, along with the existing street trees, would create a high quality streetscape. Show the context with the neighboring uses and forms. A nine block axonometric with annotations and descriptions will be required at the next meeting to help show the existing context and the design response.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

Provide a storefront commercial plan that has storefront glass elements and transparency. The Board asked that a transparent facade and materials be wrapped around the NE corner and onto Lilac Street. The entries should be visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

The Board encouraged the architect to continue exploring street level design options that would encourage year-round activity with entrances visible from the street which also allow for human activity depending on the uses within. That is, in Seattle visibility and protected access to the offices in rain or shine. For instance, awnings, glazed or otherwise, could be used in creative combinations to provide protection from the rain or sun and provide visual interest and to encourage human activity at the sidewalk. Also, the recessed entries will allow for visitors to greet one another.

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board wants the architect to provide roof top mechanical equipment screening, and non-glare or low glare roofing material. A transparent, but decorative fence should be installed at the setback line along the alley. For instance, a vinyl covered mesh fence would allow “eyes on the area” from neighbors and provide some screening. The Board asked for a sensitive site-design treatment next to the church building such as providing interesting building materials for the trash screen and full and interesting landscaping.

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 Board requested that the parking and vehicle access be well-landscaped and screened from the sidewalk as well as providing landscape treatment and/or fencing along the top of the retaining wall of the parking area and next to the alley. The Board asked for a detailed plan to describe the parking lot and building connection, loading function, ADA access and landscaping. The parking lot landscape screen should not be too dense to allow eyes on the parking lot by passers-by.

Planner note: This may require a development standard departure to reduce the amount, density and size of landscape screening. (23.47.016 A and D).

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

The Board wants the architect to prepare a South Lilac Street plan with paving, landscaping, lighting and possibly a street sign and new or improved steps along the portion of South Lilac Street that borders the project site.

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 Board requested that the finish materials be high quality to communicate the architectural concept. The Board asked the architect to present a strong concept at the next meeting. The concept should show a consistency of facades and materials.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The Board asked the architect to bring large elevations of the building facades to demonstrate that the architectural elements will enhance the human scale and “livability” of the proposal. Proposed canopy locations, style and materials should be presented.

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 Board stressed their interest in seeing finish materials that demonstrate texture, interest, variation along the two most visible facades, the back retaining wall and parking/trash area near the church to the south. The architect should bring proposed materials and a color board to the recommendation meeting. The trash and recycling enclosures should also be of high quality materials and should be presented to the board.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

The Board feels that the various entries should be interesting, and provide flexibility for new tenants. South Lilac Street should be well-designed with lighting to improve security. Building transparency should wrap around to Lilac.

D-4 Design of Parking Lots near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

The parking lot should be designed to have screening and separation from the sidewalk. The parking lot should have landscape screening, but should retain visual access for a sense of security and safety. Native plants should be included in the plant palette. The City mounted street lights should be described at the next meeting. Parking lot lighting should be sufficient, but not overly lit. No light or glare may trespass on to the neighboring properties. Low level lighting should be considered in the lighting plan. A lighting plan must be presented at the next meeting.

Planner note: This may require a development standard departure to reduce the amount, density and size of landscape screening. (23.47.016 A and D).

D-6 Screening of Dumpsters, Utilities and Services Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

Because the proposed trash enclosure is near the south property line and an existing church the Board requested it be well-designed, have high quality materials, be screened and include landscaping. The Board wants the architect to bring elevations of the trash enclosure to the next meeting.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board suggested that the alley side fencing be open fencing possibly black vinyl covered cyclone fencing. Also incorporating quality parking lot lighting, building sidewalk lighting and façade transparency will all help to keep eyes on the project and sidewalk to enhance personal safety.

E Landscaping

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screenwalls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board agreed with the architect that vines could soften the replacement retaining wall behind the parking, but not English Ivy.

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.

Including interesting landscaping details would improve this site and create a better project overall. South Lilac street improvements, south property line landscaping and alley way landscaping as well as protecting the existing street trees and any entryway planting in planters or at grade all need to be included.

Departure from Development Standards:

The applicant has requested no development standard departures at this time.

RECOMMENDATION MEETING - March 13, 2007

ARCHITECT'S PRESENTATION:

The architect presented the site, the area and existing buildings and the future development. Currently there is a one story medical services building, parking and vacant land that is covered in blackberries and refuse. The proposal calls for a one-story, 9,200 square foot commercial building (medical services and retail sales and service) with surface parking for 20 vehicles. The current owner plans on building a new facility on the site to replace the older building. The existing steep slope will not be disturbed, but a new retaining wall is proposed to replace the existing one. The architect presented the building form which is to site the building to the north of the site near South Lilac Street and locate the parking and trash enclosure to the south of the site. No access from the alley is proposed. South Lilac Street will be improved with a small, new plaza, new plantings, signage, lighting, and clean the steps. Details of the proposed landscaping in the south Lilac Street Right of way will need to be reviewed and permitted by SDOT. There are no design departures contemplated for this project.

BOARD CLARIFYING COMMENTS:

The Board asked several clarifying questions. Lighting will be on the side of the building and at entries. Bike racks will be in several locations along the building. The base of the building will be a concrete masonry unit's block configuration. The fence at the rear of the property along the alley will be a vinyl coated chain link fence. The Lilac stairs will remain and receive maintenance. The HVAC units will be small and will be screened. The window system will be storefront aluminum in bronze or brown. The gas meter will be near the SW corner of the building.

PUBLIC COMMENTS:

There were no members of the public at the meeting.

BOARD DELIBERATIONS:

The Board deliberations resulted in a project recommendation with conditions. The Board found that the project design met the priority guidelines set earlier for this project, yet some details were missing from the presentation and should therefore be added to the drawings as notes and graphically. The suggested conditions are to help pin down some of the Board preferences for building security, usability and general quality design. The Board specified mechanical screening just as tall as the units themselves and sound proofing per the building code. A Lighting plan should be inserted into the MUP set to show where the lighting will be. Lighting should be a combination of wall mounted and under-canopy selections. Landscaping must be hardy and attractive as low maintenance and low water usage using native plants as much as possible. All landscaping areas will be irrigated. Option 1 on the south façade is the Board preferred option. Of the entry options, the option shown on the left is the preferred option. Bike racks must be split and installed at both ends of the building in areas that will not block the sidewalk. The fence must be black vinyl coated. The materials presented, stucco, glass and Kalwall are acceptable to the Board. The Board would like to see the style and materials remain the same as presented through the construction and building phase. If there are changes then the architect must contact the land use planner (Holly Godard at 615-1254).

Board Recommendation

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been addressed by the applicant. In addition, the four Board members present supported the Departure requests and **recommended approval with conditions** to the design to the Director.

Recommended conditions are the following:

1. The Board specified mechanical screening just as tall as the units themselves and sound proofing per the building code. This will need to be shown on the MUP and construction plans.

2. A Lighting Plan should be inserted into the MUP set to show where the lighting will be located on the building, under the canopies and anywhere else. The lighting plan will also be included in the construction plans.
3. Landscaping must be hardy and attractive with low maintenance and low water usage choices. Use native plants as much as possible. All landscaping areas will be irrigated. Street trees need to be protected and retained. This must be shown on the plans graphically and with notes.
4. Option 1 for the south façade is the Board preferred option. The plans will be changed to reflect this preference.
5. Of the entry options, the option shown on the left is the preferred option. The plans will be changed to reflect this preference.
6. Bike racks must be split and installed at both ends of the building in areas that will not block the sidewalk. The plans will be changed to reflect this preference.
7. The fence located along the alley must be black vinyl coated. A note on the plan should be added.
8. The building materials presented, stucco, glass and Kalwall are acceptable to the Board. The Board would like the style and materials to remain the same through the construction and building phase. If there are changes then the architect must contact the land use planner (Holly Godard at 615-1254) in advance to discuss the proposed changes.
9. Details of the proposed landscaping in the south Lilac Street Right of way will need to be reviewed and permitted by SDOT prior to publication of the Master Use Permit decision.

ANALYSIS AND DECISION - DESIGN REVIEW

There are no design departures requested for this project. The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings*. The project architect will update the plans as per the conditions above. Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD as of the June 27, 2007. The Design Review Board meeting and the recommendation are **approved**.

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 Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated August 22, 2006 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant 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) 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 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 (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density and close proximity of neighboring businesses, further analysis of construction impacts is warranted.

Noise

Noise associated with construction could adversely affect the surrounding uses, thus the limitations of the Noise Ordinance are found to be inadequate. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted. Thus, limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request pursuant to SEPA authority to mitigate construction impacts (SMC 25.05.675B).

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Storm water, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage and Water Quality

Rain water on roofs and roof decks are the major sources of water runoff on this site. The rainwater will be collected in gutters and connected to the storm drainage system. Oil/water separators will be installed at the parking garage level. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk and Scale

Section 25.05.675G2c 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."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project in a Commercial Zone 1 with a 40 foot height limit (C1 40'). Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

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.

[X] 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).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. Mechanical screening shall be just as tall as the units themselves and sound proofing per the building code. This will need to be shown on the MUP and construction plans.
2. A Lighting Plan will show where the lighting will be located on the building, under the canopies and anywhere else. The lighting plan will also be included in the construction plans.
3. Landscaping must be hardy and attractive with low maintenance and low water usage choices. Use native plants as much as possible. All landscaping areas will be irrigated. Street trees need to be protected and retained. This must be shown on all plans graphically and with notes.
4. Option 1 for the south façade is the Board preferred option. The plans will be changed to reflect this preference.
5. Of the entry options, the option shown on the left is the preferred option. The plans will be changed to reflect this preference.
6. Bike racks must be split and installed at both ends of the building in areas that will not block the sidewalk. The plans will be changed to reflect this preference.
7. The fence located along the alley must be black vinyl coated. A note on the plan should be added.
8. The building materials presented, stucco, glass and Kalwall are acceptable to the Board. The Board would like the style and materials to remain the same through the construction and building phase. If there are changes then the architect must contact the land use planner (Holly Godard at 615-1254) in advance to discuss the proposed changes.

Prior to Issuance of the Building Permit

9. Lilac street improvements and bike racks, approved and required by the design review board, are a condition of this permit. Details of the proposed landscaping in the south Lilac Street Right of way will need to be reviewed and permitted by various parties prior to issuance of the Building Permit. Walls will need to be an Annual Street Use Permit reviewed by Angela Steel at 684-5967. A Beautification Permit for the landscaping can be reviewed by Bill Ames at 684-5693. Bike Racks require a separate review and permit Contact Monica Dewald at 684-5374. Driveway permit has been approved by Tammy Frederick of SDOT.

Non-Appealable Conditions

10. 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 (Holly Godard 206-615-1254). 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.
11. 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 planner assigned to

this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three 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.

12. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

CONDITIONS – SEPA

Prior to Issuance of Demolition Permits

13. The applicant shall submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

During Building Demolition, Site Work and Building Construction

The following condition(s) to be enforced during construction shall be posted at 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. If more than one street abuts the site, conditions shall be posted at each street. The conditions will 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 the construction.

The owners and/or responsible party(s) shall:

14. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request.

Signature: _____ (signature on file)
Holly Godard, Land Use Planner
Department of Planning and Development

Date: July 2, 2007