



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Numbers: 3002133
Applicant Name: Eric Blank
Address of Proposal: 1650 East Olive Way

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a six story, 78-unit residential building with 3,600 sq. ft. of retail/restaurant and two live-work units at ground floor (totaling 5,600 sq. ft.). Review includes 11,190 sq. ft. of demolition of existing structures. Parking for 52 vehicles will be located below grade.

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

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

* Notice of the Early Determination of Non-significance was published on December 3, 2009.

PROJECT DESCRIPTION

The applicant proposes a six-story, mixed-use building at the northeast intersection of East Olive Way and Belmont Avenue East. Uses would include street level commercial, five floors of residential units, and a below grade parking garage.

The applicant has designed a “C” shaped building in plan. Programmatically, the commercial storefronts facing E. Olive Way turn the corner to the alley and step down the slope and turn onto Belmont Ave. E. Along Belmont Ave. a small courtyard serves as an entry for the residential lobby. Two live/work units separate the courtyard from the garage entry. The applicant proposes six and one-half floors of residential units above the ground floor. Three units would have pedestrian access from the alley.

The design concept illustrates a central core and three highly articulated nodes that approach the three rights-of-way. In elevation the nodes possess a well defined, base, middle and top and with brick masonry and other elements that acknowledge the residential architecture of the first half of the 20th century. The core, meant to be less prepossessing than the three nodes, acts as visual field or background. Nonetheless, the programmatic features in the core are no less important as the core houses major entrances and residential units just as the nodes do.

Overall a pier and spandrel system dominates the south and west facades with a materials change from predominately brick at the lower floors to metal panel cladding at the upper levels, establishing a clear base, middle and top. A vertical gasket, housing balconies, divides the south elevation’s composition into two major segments---a narrow, two bay wide eastern mass and a lower, four bay wide volume. A chamfered corner replete with a metal and glass bay window system visually turns the corner. Beneath the canopy at this important corner lies an entrance into the commercial space. The applicant proposes space for a sidewalk café in the Belmont Ave. right of way. The west façade, a tripartite scheme, sets nearly equal masses, pushed close to the property line, flanking a small courtyard. A series of balconies overlook the entry court. The southern-most portion of the Belmont façade has a traditional base, middle and top that continues the pattern established along Olive Way E. The primary elevation of the courtyard varies in language from the stronger pier and spandrel motif. The north flank of the west elevation repeats the theme established earlier. The upper most level sets back from the dominant vertical plane.

The north elevation has several vertical planes. The western and most predominant plane consists of the brick base and metal cladding composition carried over from the west elevation. This contrasts with the slightly projecting eastern portion of the elevation clad in horizontal metal siding and vertical windows. A blank wall faces the adjacent apartment building. The alley elevation has two prominent sections. One closest to the alley continues the brick pier and spandrel system established on the south as well as the metal panels above it. A garden wall with three entry gates signals the units with direct access to the alley. Silver colored metal panels comprise the majority of the wall set back from the alley. Two columns of balconies with glass railings provide residential character to this recessed elevation.

The applicant proposes five departures in the Midrise zone and one in the Neighborhood Commercial zone. In the former, the departures would alter code regulations for front and side setbacks, parking access and the sight triangle. The change in the development standard for the NC zone involves ceiling height of commercial spaces. See the end of this document for more details.

SITE & VICINITY

A split zoned development site, the parcel with the commercial structure has a Neighborhood Commercial Three with a 65 foot height limit (NC3P 65) zoning classification and the northern parcels with two; four-unit buildings have a Midrise (MR) designation with a 60' height limit. The site totals 14,630 square feet.

The vicinity's two major zoning designations (NC3 65 and MR) generally mirror the land use patterns. The commercial zone follows the curve of E. Olive Way extending east from I-5 to Broadway. Extensive areas of MR zoning sandwich the commercial corridor on the north and south.

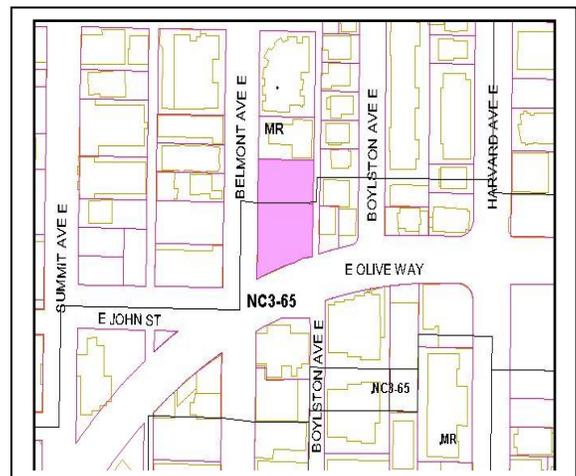
The neighborhood, a dense, active commercial and residential district, is served by several commercial corridors. East Olive Way, a major vehicular and transit route, connects Capitol Hill and downtown. The character of the side streets leading to E. Olive Way comprise mostly multi-family buildings ranging in ages from over one hundred years to a few recently completed projects. Over a period of many years, the area has witnessed the conversion of single family houses to commercial uses along Olive Way and to multi-family housing on Belmont Ave. The latter has a series of traditional brick apartment buildings, international style inspired apartments constructed in the 1960s, and single family houses sitting above terrace garages. Nearby designated city landmarks include the San Remo Apartments, the Pantages House, and the Ward House. Notable views include the downtown skyline, which can be seen from ground level along many of the streets and avenues including E. Olive Way. From upper levels, more distant views include the Space Needle, Queen Anne Hill and the Olympic Mountains.

To the north of the site lies a two-story, brick clad 12-unit apartment building; to the west across Belmont Ave. E. are several apartment buildings and a parking lot. The masonry brick Sealth Vista Apartments (built in 1923) contains 40 units and was recently renovated. Across E. Olive Way is a two-story glass, steel and masonry commercial structure (1966). To the east across the alley, a single family house and two office buildings front E. Olive Way and Boylston Ave. E.

Background

The applicant introduced this project in the spring of 2006. The Capitol Hill Board provided early design guidance (April 19, 2006) followed by the Department of Planning and Development's EDG report. A few brief contacts between the applicant and DPD occurred after the report's dissemination. Late in 2008, the applicant returned to DPD with the intent of continuing the project's review. DPD asked the applicant to start from the beginning in order to provide proper notice to the neighborhoods and parties of interest as well as to ensure that the Design Review Board members (all but one member was replaced in the meantime) would have the opportunity to review it.

During the nearly three year period of inactivity, the city of Seattle revised the Land Use Code's commercial section. DPD has the original EDG report available for public review.



PUBLIC COMMENT

The comment period for this proposal ended on December 16, 2009. The City received approximately 100 letters and a petition with approximately 800 hundred names (and comments) addressing several aspects of the proposal. Issues brought to DPD's attention preservation of the commercial building, scenic view blockage, garage access, bulk and scale, Land Use Code departures, location of mechanical equipment and preservation of landscaping. DPD received extensive analysis of the SEPA issue of public view protection for the E. Olive Way scenic route.

ANALYSIS - DESIGN REVIEW

Public Comments

Forty-nine members of the public signed in at the *April 19, 2006* Early Design Guidance meeting. The following outlines their comments by topic.

Design Approach

- The architect's approach to the design is too arbitrary. The neighborhood context should inform the design of the building.
- The architect should decide on a building design rather than offer options.
- The design should respond to the type of spaces or program the client desires.
- Materials suggested in the thumbnail sketches are unsophisticated.
- Preference is for Option #2 which possesses a modern style.
- Prefers Option # 2 over Options #3 and 4 which are too clichéd and look like a theme park.
- The corner does not need to be celebrated. It shouldn't be grand or ostentatious. A modest sign on the corner is enough. Rounding the corner as in Option # 4 is a cliché.
- The development team should create a vision rather than a menu of ideas.
- The proposed building should possess the charm of the B & O Espresso. It should include materials and level of detailing from the coffee house.
- The design should reflect its context. Do not use glass and steel. The building across the street is ugly.
- B & O is a special place. The feel of it should be incorporated into the new building.
- The proposed building should be distinctive.
- Add to the charm of the street, do not subtract from it. Prefers brick facades, high ceilings, awnings, outdoor lighting.
- Prefers a traditional looking building with a rounded corner. No glass and steel.
- Prefer brick and stone. Materials should be compatible with structures in the vicinity. (Guidelines C-1 and C-2).
- Emphasize the human scale by incorporating rich visual details to add interest and character at the street level (Guideline C-3).
- Create a high-quality building (Guideline C-4).

Massing and Setbacks

- The neighboring Garden Court condos will lose views. Option # 3 is preferable because it has an upper level setback.

- Prefers massing to resemble Option # 4 and materials to resemble Option # 3.
- Limit the height to less than the maximum of 65 feet in the NC 3 zone.
- Give attention to designing the back of the building as it will block views and residents of neighboring buildings will have to look at it.
- Provide upper story setbacks to reduce bulk, provide solar access to the sidewalk and to neighboring properties and to preserve views to the west from the public right-of-way. (General guidelines A-7 and B-1)
- Break up building mass with different façade treatments and articulate sub-volumes to transition to adjacent structures that are smaller in scale per guideline B-1.
- The building should not resemble a box.
- Setbacks should occur at the alley.

Preservation of B & O Espresso

- The proposed removal of the B & O Espresso is tragic. Speaker opposes its replacement with a gentrified development.
- Any design that allows B & O Espresso to continue is supportable.
- The proposal disrupts a unique and charming retail core.
- Nothing should happen on the site to disrupt the existing building.
- The proposal would demolish 30 years of history. B & O is one of the first coffee houses in the city and represents an important cultural phenomenon.

Alley and Street Access

- The alley is narrow and difficult to use. It is awkward getting onto Olive Way E. Prefers use of Belmont Ave. E. for access.
- The alley is too narrow.
- Do not allow alley access.
- Increase the width of the sidewalk. (Guideline A-2)
- Locate trash dumpsters, loading dock and mechanical equipment, if on the alley, at the very northern-most corner, as far away from the street as possible (Guideline D-6).
- No alley access for parking.

Land Use Code issues

- The design should respect the two zones (Midrise and Neighborhood Commercial 3) and not attempt to combine them through the use of departures.
- Preference for Option #1. Keep the zoning separate by designing separate buildings.
- The Board should not provide give-backs for all the departures requested. Suggests setbacks in Option # 4. Open space should occur on the southeast corner combined with residential entry.

Programming

- The retail use should turn the corner onto Belmont Ave. E. much like B & O Espresso does.
- Provide more parking for the retail use.
- Where will the back of house services occur?
- Do not lease space to franchise restaurants in the new space.

- Provide a mix of small-scale storefronts. (Guideline A-4)

Landscaping and Open space

- Open space should be available for those using the commercial uses.
- Incorporate quasi-public open space at the alley (SE corner of property), with a focus on landscape treatments and/or courtyard-style open space, for example, a recessed entry. (Guidelines A-7, A-10, C-3)
- Incorporate substantial landscaping, trees to complement the street trees and significant landscaped treatments at any open spaces to continue the outstanding tradition of landscape design on Capitol Hill (Guidelines E-3).

Miscellaneous

- The owner of the site should be at the next meeting.
- B & O Espresso is approximately 4,500 square feet in size.
- The Board should enforce the Neighborhood Specific Guidelines especially with respect to issues delineated in the Guidelines.
- Protect the privacy of adjacent property to the east (city-wide guidelines).

DPD received five emails that addressed the proposed development. Two emails stated that B & O Espresso should not be demolished and that due to its age and cultural significance as one of the progenitors of coffeehouse culture in Seattle. In essence, B & O is not replaceable; it is worthy of landmark status. The author writes, "B & O Espresso is not just a building. Nor is it just a coffee shop. It is a Seattle landmark. Seattle has created a café culture like no other in the US and B & O Espresso is Seattle's original café." With so much existing vacant space on Capitol Hill, an email asks, "do we really need to destroy an existing business that has served our community well over the years?"

The following represent comments from the *January 21st 2009* EDG meeting. Nineteen members of the public signed in at the Early Design Guidance meeting.

- Provide sufficient amount of parking for the proposed commercial use.
- Design a quiet and dignified corner at E. Olive Way and Belmont Ave. E.
- Eliminate option #3's cap above the corner.
- Option #4 is too Disneyland-like.
- None of the options respect the neighborhood context. The proposed structure should be low with primarily commercial uses.
- Step the building gradually up the hill. None of the options are sensitive to the hillside.
- The proposals represent the architect's desire to create a monument to vanity. Options #2 and #3 are showy, modern architectural statements without any reference to the existing architectural context.
- Preference is for option #3 without the cap on top. (Reiterated by several individuals)
- Hold the project to a higher standard due to the loss of such a highly valued community asset as the B & O Espresso.
- The petition submitted (over 800 names) and the large crowd gathered at the meeting unequivocally demonstrate the high value this Capitol Hill community places on the existing community asset.

- Retail establishments can be considered a community asset in spite of their private nature. Therefore, if the beloved B & O Espresso is demolished, the building should be replaced with something equal if not better. Hold this project to a high standard. Let's get creative about how to give something back for what is about to be lost.
- The architect should provide photos of built projects of theirs. (Staff note: some are in the appendix of the project packet.)
- Page XIII of the Capitol Hill Neighborhood Priority design issues discusses preserving, enhancing and connecting Capitol Hill's existing attributes as fundamental goals of the Neighborhood Plan. Residents want to protect and augment the neighborhood's architectural qualities, historic character, pedestrian scale and natural features. Maintaining the special character and pedestrian orientation of the neighborhood's commercial corridor is important to their economic vitality.
- The Capitol Hill Neighborhood Priority Design Guidelines especially address commercial areas (p.3). Several points are particularly cogent to the project: 1) set back upper stories for mixed-use buildings to reduce bulk and keep in scale with the neighborhood. This does not restrict setbacks when located next to less intensively zoned areas but applies to all adjacencies; 2) provide distinctive entrances and detailing; 3) provide architecturally compatible signage with storefront buildings; and 4) provide landscaping and pedestrian-oriented open space.
- The following comments on specific guidelines have been submitted. A-2, increase the width of the E. Olive Way sidewalk. The two different streetscape characters should be reflected in the proposed design. A-4, the finish floor level of retail spaces should not be offset (vertically) from the sidewalk elevation by more than two or three feet. Small retail spaces and human-scaled detailing is critical to the proposed building's efforts to reinforce this desired character. A-5, reduce the amount of windows on the north and east elevations to respect the privacy of the adjacent properties. A-7, provide solar access to the sidewalk and neighboring properties. Set back the upper floor for all four primary elevations of the proposed building. This should be done to keep the proposal in scale with the neighborhood. Create an open space at the southeast corner to improve pedestrian and vehicular safety through open site lines.
- A8, all vehicular access to the parking garage should occur from Belmont. It is safer than the alley. A-10, apply the corner lot guideline.
- B-1, break up the building mass. The diagram on p. 13 shows 10-15 foot setbacks at 40 feet and above for an 80 foot wide ROW. Since E. Olive Way is a 66' wide ROW, the setback should be at 33 feet above the street. These are shown in the Capitol Hill Neighborhood guidelines.
- C-2, provide solid canopies. Brick and stone would be most compatible with structures in the vicinity. Use very high quality materials. C-3, similar to the human scale of the existing building, the proposed building must be very carefully detailed to replace the loss of that human scale. Rich visual details and materials must be provided to add interest and character at street level. C-4, use brick and stone. The choice of materials has everything to do with the expression of "permanence and quality appropriate to the capitol Hill neighborhood."
- D, the alley should be considered a pedestrian environment. E-3, require dedicated planter beds (not potted plants) along E. Olive Way to increase landscaped amenities for pedestrian safety. Incorporate substantial landscaping and trees to complement the street

trees and significant landscape treatments at any open spaces to continue the outstanding tradition of landscape design on Capitol Hill.

- Prevent alley access for vehicles. Prefers access from Belmont Ave. particularly near the north property line.
- The safe removal of asbestos and lead paint is critical.
- Provide as much solar access as possible.
- Preference for the form of option #3 without its modern appearance.
- The structure should look like it was built in the 20s. It should look like it belongs there.
- The appearance of option #3 doesn't fit Capitol Hill. It looks too modern. (Reiterated by several individuals)
- The building will be a gateway to Capitol Hill due to its prominent site.
- The future light rail station will increase pedestrian traffic. The ground floor should be pedestrian oriented.
- Use high quality materials.
- Each option is aesthetically weak. Each concept is quite bland.
- The corner is the first element of the B & O that is seen.
- Keep the quality and character of the B & O building.
- Some of the options are too eclectic. The corner should be special. The corner should have a "wow" factor.
- Prefers the contemporary appearance of option #2. The Capitol Hill Library is a good example.
- Don't mess with the B & O. Leave the building alone.
- We like what we have on Capitol Hill. The project must respect humanity.

A web site devoted to the B & O Espresso, www.1650choice.org, hopes to redirect the typical course of development in the neighborhood. The intent of the organization is to gather support and preserve the existing 1650 East Olive Way building that houses the B & O Espresso. A petition with over 800 names and nearly 400 collected comments was submitted to DPD and the Capitol Hill Design Review Board. Many of the comments represented kind tributes to the coffee house. Other comments focused on preservation of the building and the hope for its continued presence in the neighborhood. For many of those who wrote to the web site, the building should be designated as a landmark for its prominent role in the culture of Seattle coffee houses (its longevity and link to European coffee houses) and for the building's contribution to the sense of human scale and the character it provides the Olive Way commercial corridor. One comment noted that the famous playwright August Wilson wrote his Pulitzer Prize winning "The Piano Lesson" on napkins in the smoking section of the B & O.

Others wrote that the building stands as a counterpoint to the homogenization and the bland, generic looking mixed use buildings constructed all over Seattle. One heartfelt comment reads, "This makes me cry so, so hard. I really hope this building can be saved and I will pray with my heart that it does. Could we sue due to emotional distress that this demolition would cause all of Seattle??"

An email sent to DPD lists the following suggestions: reduce the building bulk; the "T" option or other shaped themes are preferable to a giant block; provide access at the alley; provide generous balconies; treat the corner nicely---no severe corners---and a well considered entrance for the business; prefers the density of the "T" shaped scheme, we need small affordable rooms; design commercial spaces for several tenants; and do not cheapen the building.

Eleven members of the public signed in at the *March 4th, 2009* Early Design Guidance meeting. The following outlines their comments by theme. Written comments submitted at the meeting are summarized below and available at DPD.

Open space / Courtyard

- People won't use the "C" scheme courtyard with the exception of four months of the year.
- Children will use the courtyard. Don't integrate the driveway and the courtyard.
- Add open space on the roof for the tenants. Provide soil so that the residents can grow flowers.
- Provide a shadow study for the open space. The courtyard appears well placed.
- The cable lights above the open space are a good idea.
- Push the driveway to the north. It shouldn't be near the café seating or near the kids.

Materials and Aesthetics

- Design the building to possess a special character. People want a building with public (or civic) qualities on the exterior.
- The corner of the proposed "T" scheme appears softer. It doesn't call attention to itself. Avoid emphasizing the wedge or prow at the corner.
- Use brick cladding for the building.
- High quality materials need to be aesthetically pleasing.
- Provide more texture on the building. The walls shouldn't be a flat plane. Recess the windows and add iron work. The elevations of the Trace, Pearl and Agnes Lofts are too flat in appearance.
- Both proposals lack warmth and feeling. The design should not be modern.
- Use brick and stone. A natural feel is not evident in the designs.
- With the loss of the B & O building, the community is losing something of value. The proposal should have a sense of materiality.
- Use wood windows like the B&O which would add warmth to the building.

Relationship to the alley

- The proposed building does not need trees and outdoor space on the alley. The consumption of drugs and alcohol occurring in the alley makes it unsafe.
- Limit the number of windows on the alley. This should be studied. The "T" scheme addresses the alley.
- Without fencing along the alley, it is too dangerous to have residential entries and outdoor space on the alley. Drugs and alcohol are a big problem in the alley.
- The proposal adds another giant wall on the alley. The building should step back from the east.

Massing / setbacks

- With the "T" scheme, the building appears to have grown organically over time. The "C" scheme looks like a single entity dropped from the sky.
- The "C" scheme has nice proportions. It breaks down the scale.

Departure requests

- The granting of a departure must show that the design better meets the guidelines.
- The proposed departures are treating the MR zone as an NC zone.
- Board guidance A-1 and B-1 in the January 21st EDG report concerning setbacks have not really been addressed.
- There should be setbacks on Olive.

Miscellaneous

- The proposal will have solar exposure. Use lots of solar panels. There are many benefits of having solar energy. This is the style of the 21st century.
- The design has not progressed since the last meeting.
- The Board asked for staggered floor plates along Olive. It does not appear that this was closely explored.

DPD received several comment letters after the March 4, 2009 EDG meeting. These focused on the following design themes discussed at the meeting:

Open space / Courtyard

- Shadow studies should be required that illustrate the sun in/on the courtyard at 9:00, 12:00 and 6:00 for the four equinoxes (sic) of the year.
- The appropriateness of the mid-block courtyard is questionable. The tall walls will create a canyon on three sides. The open space will be mostly used for circulation. In order for the courtyard to have maximum solar exposure, it should be located at the corner.
- The open space may not be interpreted by the community as public space and could function only as a private courtyard.
- Create an outdoor deck above the first floor along the perimeter.

Materials and Aesthetics

- The base ought to resonate with historic precedent. The letter states: “The design does not need to (and should not!) pretend to ‘copy’ historical styles. We all agree this ends up looking cheap. Designs can be ‘of this time’ and still be rich with depth and texture, using high quality materials and detailing that add interest. This is not an either / or discussion, i.e. ‘if not historic copy, then must be modern.’ These are not the only two options and the Board should not allow modern when so many have spoken against it.”
- Ensure the Board’s C-1 guidance from the January 21st meeting to emulate the charm and distinctiveness of the current B&O building.
- Follow the Board’s clear preference for masonry and concrete products. The Capitol Hill guidelines say no metal.
- Enforce the January 21st guidance (C-1) that elevations possess texture and relief.
- Design a building using exterior materials of high quality, such as natural stone, brick or wood accents that would aesthetically fit into the neighborhood.
- Do not allow the developer to imitate some of the existing projects that have incorporated poor design with inexpensive building materials. Please eliminate metal and glazing in favor of brick and masonry.

Relationship to the alley

- Accepting the requested departures would essentially be allowing the applicant to develop an MR zone almost as if it were an NC zone, with marginal return to the public.
- Tall, solid fences on the alley in front of the proposed residential units are not an option.
- Oppose placing unit entries on the alley side of the proposal.
- Provide alley lighting for security purposes.
- A monolithic east wall facing the alley will encourage more drug/crime activity in the alley and take away the alley's charm as a daytime walkway. Develop the alley as an asset.

Massing / setbacks

- Ensure upper level setbacks on the north and east sides of the proposed structure in order to maximize solar to sidewalks and adjacent properties.
- Provide setbacks at upper levels on the alley as directed in the January 21st guidance.
- Provide solar access by establishing setbacks at the alley.
- Follow specific setback rules established in B-1 Capitol Hill Design Guidelines along Olive Way E. and on the alley.
- Apply upper level setbacks at all four sides of the proposed project.
- Respond to B-1 Capitol Hill Guidelines by breaking up the building mass using the suggested techniques.
- Give attention to designing the back of the building as it will block views, residents and solar access to neighboring buildings.
- It is not appropriate to omit setbacks on the north and east sides of the building because a gentle transition to the residential area to the north and east should be maintained.

Departure requests

- Do not use NC 65 zoning characteristics for the MR portion of the site by allowing departures from the Land Use Code.
- Too many departures are being requested without appropriate justification.
- Departures should be carefully assessed based on whether they represent any benefit to the neighborhood. Limit the number of departures and protect the constraints set forth by the zoning.

Miscellaneous

- Provide a wider sidewalk along Olive Way E. and make sure that the Board does not contradict itself from the January 21st meeting.
- Step the floor plates along Olive Way to implement guideline A-4.
- Ensure that the project provide art within or near the right of way to enhance the pedestrian experience.
- The development should be held to the highest standards of scrutiny and conformance to the guidelines.
- Ensure that the Capitol Hill neighborhood guidelines are followed.
- Enforce all of the guidelines resulting from the 1/21/09 meeting as well as the 3/4/09 meeting. These guidelines were the result of constructive public comment and the design review board's judgment of what the development needs to achieve.

- Guidance should be based on the specific situation of this site and neighborhood rather than photos of new work shown by the architect at the meeting because there may be no recent precedent on Capitol Hill for the magnitude of community loss due to a development.

BACKGROUND

The applicant introduced this project in the spring of 2006. The Capitol Hill Board provided early design guidance (April 19, 2006) followed by the Department of Planning and Development's EDG report. A few contacts occurred after the report's dissemination. Late in 2008, the applicant returned to DPD with the intent of continuing the project's review. DPD asked the applicant to start from the beginning in order to provide proper notice to the neighborhoods and parties of interest as well as to ensure that the Design Review Board members (all but one member was replaced in the meantime) would have the opportunity to review it. During the nearly three year period of inactivity, the city of Seattle revised the Land Use Code's commercial section. These changes would likely have bearing upon the future design of the NC3-65 portion of the site. DPD has the original EDG report available for public review.

GUIDELINES

After visiting the site, considering the analysis of the site and context provided by the proponent, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified highest priority by letter and number from the guidelines found in the City of Seattle's "Design Review: Guidelines for Multi-family and Commercial Buildings". *Capitol Hill Neighborhood Design Guidelines are in bolded italics.* The two EDG meetings are distinguished from one another by their respective meeting dates placed in parentheses.

PRIORITIES

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 Board requested a much more expansive analysis of the vicinity. What aspects of the Olive Way corridor and the residential neighborhood behind the site could influence the project design? How can traditional apartment building typologies, frequently found on Capitol Hill, influence the design approach?

The Board agreed that at least one option submitted for the next early design guidance should depict a series of setbacks or terraces at the upper levels as the structure climbs the hill. Setbacks at the upper levels near the property edges (alley and north property line) should also be considered and presented at the next Board meeting. (January 21, 2009)

The Board welcomed the additional vicinity analysis provided by the applicant. By considering structures in the vicinity and listening to public comment, the Board expressed its strong desire to see development of a building with more traditional architectural features than the Agnes Lofts or the Pearl.

See B-1 for Board guidance on upper level setbacks.

The Board encouraged the use of solar panels. (March 4, 2009)

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

Retain or increase the width of the sidewalks.

Vehicle entrances to buildings should not dominate the streetscape.

For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.

The Board requested a widening of the E. Olive Way sidewalk, which appears to be approximately 12 feet, in order to provide quality landscaping along the streetscape.

The vehicle entrance should be located close to the north property line in order to foster pedestrian activity and not place a large gap in the middle of the streetscape.

The base of the building should be richly detailed and draw inspiration from the Olive Way corridor and Belmont Ave. Use of other quality Capitol Hill precedents is encouraged. Study movement and scale patterns along the major commercial corridors. (January 21, 2009)

Seeking to combine streetscape features from both schemes, the Board directed the applicant to preserve the integrity of the courtyard facing Belmont Ave. E. by locating vehicular access adjacent to or near the north property line (Scheme “C”), to provide a setback on Belmont Ave. along the retail façade to enhance the opportunity for outdoor café seating (Scheme “T”), and to set back the residential units facing the alley to create a secure open space (Scheme “C”). The Board did not endorse widening of the sidewalk along Olive Way E.

Reiterating its earlier guidance, the Board expects that the base of the building should be richly detailed and inspired by the existing B & O building. (March 4, 2009)

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods to the pedestrian.

Provide for outdoor eating and drinking opportunities on the sidewalk by allowing for the opening restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.

Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.

The floor plates of the storefronts should relate closely to the slope of the sidewalk on E. Olive Way. The height of the floor plates should be within two to three feet of the sidewalk grade. This may require stepping the floor of the commercial area.

The design of the fenestration should allow a maximum amount of transparency along both street fronts including the live-work units.

Any proposed live-work units must be generous (two floors are encouraged) to provide true commercial space at the Belmont street level and separate residential living area beyond those of a bedroom, bath and kitchen. (January 21, 2009)

The streetscape along Belmont Ave. should be the focus of enhanced pedestrian oriented amenities. The Board expects a separation of the driveway and the courtyard similar to the “C-shape” scheme, and a setback along the Belmont Ave. retail frontage to encourage a wide sidewalk café. The size and proportions of the courtyard should be further studied. It does not necessarily have to retain the size shown on the “C-shape” scheme but it should serve multiple purposes for the use of the residents and the retail tenant. [Staff note: The forecourts to the proposed live-work units should be gracious and exude a sense of intimacy.]

The Board restated its desire to see staggered or stepped floor plates within two to three feet of the sidewalk grade for the street level commercial spaces. (March 4, 2009)

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The proposed placement of windows should take into consideration the adjacent buildings to the north and east.

Upper levels of the proposed building should be setback away from the neighbors to provide solar access. (January 21, 2009)

The relationship of the proposed structure to the adjacent buildings to the north and across the alley concerns the Board. Upper level setbacks on the north and east remain the project’s missing element. The Board remains disinclined to entertain the proposed departures without setbacks at the upper levels. (March 4, 2009)

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

The Board members preferred the proposed spacious outdoor entry area potentially shared by the residence and the commercial user as shown on Option 2 of the “C” shaped building. This strategy would visually extend the amount of open space into the sidewalk along Belmont Ave. E. (January 21, 2009)

The Board reiterated its earlier guidance below. The driveway and the courtyard should not be integrated. (March 4, 2009)

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

Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.

Create substantial courtyard-style open space that is visually accessible to the public view.

Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.

See Board guidance for A-1, A-5 and A-6. (January 21, 2009)

Attention focused on the relationship of the lower units and the alley. The Board favored small secure open spaces between the units and the alley. More design development of the open spaces as well as window and door placement will be needed for the Recommendation meeting.

The roof top should contain open space available for tenant use. (March 4, 2009)

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.

Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.

The Board supported access from Belmont Ave. E. rather than the alley, citing the difficulty of eastbound vehicles on E. Olive Way entering the alley as well as vehicles making a left turn exiting the alley. Nonetheless, a preliminary analysis of local traffic circulation patterns and the impacts of the proposed building on them will need to occur before the Board further considers access issues.

Any vehicle access on Belmont should occur along the northern edge of the assembled property. The Board strongly preferred proposed access illustrated in options #2 and 4 rather than at the midpoint in option #3. (January 21, 2009)

Based on the two options presented at the meeting (Schemes C and T), the Board expects, as mentioned in the earlier guidance, that the location of the driveway from Belmont Ave occurs close to the north property line. Board members unanimously rejected the proposal of integrating the driveway and the open space. (March 4, 2009)

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

Provide for a prominent retail corner entry.

Approached from the west, the site's southwest corner has considerable exposure. The Board expressed its dissatisfaction with the images of the prow illustrated in the three options sketched. General opinion among the Board members favored a much subtler and quieter corner treatment that maintained the continuity of the south and west elevations rather than the use of a separate material, color or assertive projecting balconies.

The Board requested a building base design with a high level of detail and a sober, background approach to the upper level. (January 21, 2009)

The meeting witnessed only a nominal discussion of the corner's appearance; however, Board sentiment favors a discrete treatment rather than a pronounced prow. In keeping with earlier guidance, the design for the corner should blend the upper level facades and not call attention to itself. (March 4, 2009)

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.

Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.

Buildings serve to define streets spatially. Proper spatial definition of a pedestrian-friendly street (such as Broadway) can be achieved with an appropriate ratio of building height to the width of the street. Typically, auto-oriented areas have around 1:10 height-to-width ratios, whereas neighborhood commercial streets in urban places are closer to 1:3 or 1:2 (as shown above). As a general rule, the tighter the ratio, the stronger the sense of place. New developments that are 65 feet or taller in height are encouraged to be compatible with surrounding buildings, incorporating features such as stepping back at or near 40 feet and providing human scale materials and details on these levels to relate well to the pedestrian.

Design multifamily buildings to maintain a compatible scale with smaller surrounding structures.

The Board members generally preferred the “C” shaped option which in plan echoes some of Capitol Hill’s better residential apartment buildings. The “T” shaped proposal had less resonance for the Board although the placement of the garage entry, the mansard roof and the corner treatment were more off-putting than the form of the plan.

The Board, emphasizing the Capitol Hill specific guidelines above, requests that the design provide setbacks at the upper levels to reduce the mass of the structure and create a more desirable transition in height, bulk and scale to the lower scaled neighborhood surrounding much of the property. One idea for consideration is to give the proposed structure’s horizontal elements primacy over the vertical. (January 21, 2009)

The Board generally endorsed the one proposed setback in the NC zone and the multiple setbacks from Belmont in the MR zone. However, setbacks also need to occur on the north elevation at the upper levels. Reductions to the buildings bulk should occur as well at the alley and Belmont Ave., specifically at ground level. The Board needs to see drawings depicting all the recommended setbacks in order to further consider the requested departures. At this point according to the Board, the proposal the additional volume lacks evidence of better meeting the guidelines. (March 4, 2009)

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The design of the building’s base should emulate the charm and distinctiveness of the current B & O building. (January 21, 2009)

The Board members appreciated the more thorough pictorial exhibit of the surrounding vicinity. Reiterating its earlier comment directly below, the Board conveyed the importance of producing an outstanding building that embodies the spirit and character of the B & O building. Traditional materials, preferably brick and wood, generous and useable open spaces at grade, elevations that possess relief and depth between the window and wall planes will better fit into the existing brick apartment buildings in the neighborhood. (March 4, 2009)

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.

Solid canopies or fabric awnings over the sidewalk are preferred.

Use materials and design that are compatible with the structures in the vicinity if those represent the desired neighborhood character.

Consider designing a simplified loft, style structure. (January 21, 2009)

The façade of the “T-shaped” scheme with its expressed structure, transom windows, spandrel and column grid more closely resembles the Board’s expectation than the alternative proposal; however, the treatment of the base should express architectural solidity and evoke traditional storefronts similar to the existing B & O building. Preferential materials for the facades include brick, stone, and wood. See guidance C-4. The amount of glazing in the “T-shaped scheme” at the prow may be too extensive. (March 4, 2009)

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.

Emphasize human-scale design: the individual interacts with the street level of a building in an intimate fashion, and rich visual details at the street level add interest and character to the façade, setting the stage for an active street environment and reinforcing pedestrian comfort.

The Board added architectural elements to this listing of desirable scale-giving features such as solid canopies and pedestrian lighting (sconces and indirect fixtures) to convey a quality of intimacy between the building and the pedestrian at the streetscape. This intimacy is derived from the relationship of rich details and heightened human senses, producing a sense of pleasure in the urban landscape. (January 21, 2009)

The Board will likely provide more direction after design development at the Recommendation meeting. (March 4, 2009)

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.

Provide operable windows, especially on storefronts.

Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.

Consider each building as a high-quality, long term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.

High quality buildings materials should be used throughout the proposal. Masonry and concrete products are preferred over metal siding. The building elevations should possess texture and relief. The windows and the wall plane relationship should have depth. The Board wants to see solid canopies. The Board expressed misgiving about option #3’s proposed materials. (January 21, 2009)

The Board strongly encourages the use of brick on the facades. Wood detailing at the window frames, vertical piers and other areas are welcome as well. To compensate for the loss of the B & O Espresso building, the proposed structure should have high quality and aesthetically pleasing materials. The Board articulated several times its expectation that the proposal achieves a higher quality design and materials. (March 4, 2009)

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 garage entrance should be discreet and reduced in size in order to both minimize vehicular imposition on pedestrian traffic and to maximize commercial space at the street front. Paving changes across the sidewalk should indicate the presence of the driveway. (January 21, 2009)

Locate the curb cut and garage entrance close to the north property line. (March 4, 2009)

Pedestrian Environment.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Provide entryways that link the building to the surrounding landscape.

Create open spaces at street level that link to the open spaces of the sidewalk.

Minimize the number of residential entrances on commercial streets where non-residential uses are required.

Intrigued by the possibilities of an open space along Belmont Ave. E, the Board encouraged further development of an entry court that could be used as residential open space, entry and outdoor sitting area for use of the commercial space. (January 21, 2009)

Keep the courtyard or open space along Belmont Ave. E. entirely separate from the driveway. The Board encouraged the landscape architect to continue to develop the landscape concept shown in the "C-shaped" option. The proposed crisscross pattern of the cable lighting pleased the Board. (March 4, 2009)

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.

The design should place service functions at the northeast end of the proposed structure at the alley in order to eliminate the need for lining up dumpsters and other trash and recycling canisters on Belmont Ave. (January 21, 2009)

No additional comments were offered at the meeting. The applicant should provide more details of how the service areas function at the Recommendation meeting. (March 4, 2009)

D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

A conceptual lighting scheme should be presented at the Recommendation meeting with particular attention to the alley, storefront and the open space on Belmont Ave. (March 4, 2009)

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

The commercial floor plates should remain within two to three feet of the sidewalk grade. (January 21, 2009)

Continuing its earlier guidance, the Board asked for detail showing how the staggered or stepped commercial floor plates relate to the sidewalk grade. (March 4, 2009)

D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.

Currently, option #2 represents the best attempt to achieve the intent of this guideline. (January 21, 2009)

Mixing residential and commercial uses at the courtyard is encouraged. This area should be open to the sidewalk yet feel safe. (March 4, 2009)

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 abutting streetscape.

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

The Board wants to review preliminary landscape concepts of the ground level at the next early design guidance meeting.

The proposed design should include small gardens and art within the street right-of-way and adjacent to the ROW to enhance the pedestrian experience. This is especially desirable for residential and mixed use developments. Trellises or window boxes for plants contribute a secondary level of human scale to the pedestrian experience. (January 21, 2009)

The Board encouraged the design of a green roof with an area for the use of the residents. (March 4, 2009)

E-3 Landscaping 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.

Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character along a corridor.

Supplement and complement existing mature street trees where feasible.

Incorporate street trees in both commercial and residential environments in addition to trees onsite.

Commercial landscape treatments that include street trees.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on October 15, 2009.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted Initial and Final Recommendation Meetings on January 19, 2011 and March 16, 2011 respectively to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meetings, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Approximately nine members of the public signed-in at the Initial Recommendation meeting (January 19, 2011). The following comments, issues and concerns were raised:

Materials & Color

- The orange panels are bewildering. Orange cheapens the building's appearance.
- Use more texture where the façade is flat.
- Iron work could be better.
- The metal siding has a cheap appearance.

- The metal spandrel is too busy---visually distracting.
- Overall too many materials.
- Use frosted windows on the commercial use along the alley.
- Use more wood at the pedestrian level.
- The brick color should be more brown/tan than red/orange. The orange/red color would cheapen the building's appearance.

Façade appearance

- Too much glazing at the chamfered corner. It makes the corner look taller and doesn't appear characteristic of the neighborhood.
- Too much modulation.
- Texture is more important than modulation.

Detailing

- Drawings should be of large enough scale to illustrate/demonstrate high level of detail at building base.

Program

- Live/work units will have their blinds closed all the time---essentially a blank wall.
- Courtyard does not seem viable. It won't be used. It is too small.
- Decks hangover the sidewalk and should be placed within the property line so tenants don't spit and throw objects down on pedestrians.

Landscaping

- Proposed paving patterns are nice. A wide sidewalk is best.
- Art should be placed within and adjacent to the street ROW.

Massing

- Setbacks should be greater, particularly on the north and east sides of the structure.
- Push the structure toward the sidewalk and eliminate the outdoor seating. At the café, have big windows that swing open during nice weather.
- Place the setbacks elsewhere on the project.

Height, Bulk & Scale

- Height, bulk and scale are all overdone. Too much structure.
- Provide additional setbacks on the north elevation.
- Reductions to the building bulk should occur at the alley and Belmont Ave. Upper level setbacks needed.
- The Board should consider setbacks in the NC zone.
- There should be a 7' side setback on the MR parcel next to the NC parcel.

Security

- Ensure that security lighting is placed along the alley.

Streetscape Compatibility & Human Activity

- The sidewalk along Olive Way E. should be wider. This is a heavily trafficked sidewalk.
- The setback on Belmont Ave. should be five feet not 2 inches.
- Outdoor cafe seating should not occur in the sidewalk. It presents an obstruction to pedestrians.

Respect for Adjacent Sites

- Creating setbacks on the alley was guidance provided by the Board at the EDG meetings. The setbacks on the alley would provide solar access to the neighbors to the east.

Transition Between Residence and Street

- The courtyard keeps getting smaller. On the “C” scheme (3/4/2009 meeting), the courtyard was twice as deep.

Departures

- The courtyard is a zoning requirement and should not be included in any area offset considerations.
- Side setback. Five feet is preferable and code required. Should not be 2 inches at north property line.
- How do all of the departures allow the project to better meet the established guidelines? It is unclear.
- The departures requested do not allow the project to better meet the guidelines.

Other

- Applicant should follow Capitol Hill Neighborhood Guidelines. The Board should enforce them.
- The Affordable Housing Incentive is being used in a manner that is unintended by the City of Seattle.
- New Board members will not have heard the public comments preferring a more traditional style for the building.
- The property across Belmont Ave. E. from the site is not SEPA exempt. Both properties are owned by the same person.

Three members of the public affixed their names to the sign-in sheet at the Final Recommendation meeting (March 16, 2011). The following comments, issues and concerns were raised:

Alley

- The portion of the building core facing the alley is monotonous, harsh, stark and overbearing. This portion of the alley façade deserves more attention.
- Use a translucent or opaque window on the commercial space’s alley facade to protect the privacy of the house across the alley. The windows as currently presented conflict with guideline A-5.

- All of the east wall should be setback from the alley. The current design has a seven story sheer wall at the alley.

View Corridor

- The Capitol Hill guidelines (A-7, B-1) clearly state to “set back development where appropriate to preserve a view corridor” and to “consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way. The prospect from E. Olive Way opens views of each of these natural phenomenon and man-made structures.
- By blocking or diminishing the view corridor, the project essentially privatizes a public amenity.

Departures

- How does each of the departure requests better meet the intent of the design guidelines? The Board members should be asking themselves this question when it decides upon the requests.
- The proximity of the proposed structure to the adjacent building to the north is problematic. The departure request from the side setback does not meet the intent of the guidelines.
- How does a reduced sight triangle allow the project to better meet the guidelines?

Design

- The expression of the “core” at the facades bears no relationship to the expression at the “nodes”.
- The metal cladding comprising the core resembles a ghost and will create glare.

Bulk

- Multiple times the Board has provided guidance to provide various setbacks, some of which were never explored and all but one are not provided in the current proposal, including at Belmont Ave for wider outdoor seating; at upper levels at east sides,; at courtyard is code required if they want zero lot line at live/work units.
- Why has Capitol Hill Guideline B-1 never been applied to the project?
- Guidelines A-1, A-7 and B-1 all have been applied to this project and all address preserving existing views and the current massing is blocking the views.
- E. Olive Way is a SEPA protected scenic route “to be preserved” in the regulations and yet this a bulky building that blocks 70% of protected view of mountains and Puget Sound. The only mitigation provided is a six foot setback/chamfer at the SW corner to allow a slice more of the view to be seen, but it is still blocked 70%.
- The applicant claims that because the project is beneath the 75 foot height in the MR zone that the project cannot require any other setbacks or mitigation. However, the project FAR is already “maxed out”. Should they build higher, the architect would need to remove square footage from elsewhere on the MR parcel, reducing the bulk.
- Were the project built higher, the architect must revise the structural system from wood to steel, which is expensive and unlikely.

- Assigning two of the smallest apartments, out of 79, as affordable housing gave the applicant not only an increased FAR but also a bargaining tool with the Board, saying it's a setback. Is this really what the affordable housing incentive intends?

Other

- The detailing of the black channel is questionable.
- A neighbor endorses the proposed building and considers it a good addition to the neighborhood.
- The Board has said that this building should meet a higher standard due to the loss of a beloved community asset: that particular business in that particular building. This project has not met that higher standard.
- There are 800 signatures and 400 comments in a petition hoping to preserve the B&O.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Front Setback. No front setback is required when a courtyard is provided abutting the street that has a minimum width equal to 30% of the width abutting street frontage or 20' whichever is greater.
2. Side Setback. For portions of a structure $\leq 42'$ in height, 7' average setback with a 5' minimum is required.
3. Parking Access. Access to parking shall be from an improved alley.
4. Sight Triangle. 10' x 10' triangle at right side of exit lane.
5. Non-residential height. 13' floor to floor street-level non-residential space.

Recommendations

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.

Responding to the Board's early design guidance (March 4, 2009), the applicant placed the driveway close to the north property line separated by live/work units from the courtyard. The Board appreciated this change. (January 19, 2011)
See discussion in Guideline A-7. (March 16, 2011)

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

Capitol Hill-specific supplemental guidance:

- *Retain or increase the width of sidewalks.*
- *Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.*
- *Vehicle entrances to buildings should not dominate the streetscape.*

- *Orient townhouse structures to provide pedestrian entrances to the sidewalk.*
- *For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.*
- *New development in commercial zones should be sensitive to neighboring residential zones. Examples include lots on Broadway that extend to streets with residential character, such as Nagle Place or 10th or Harvard Avenues East. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.*

The applicant set back the residential units on the east façade away from the alley to allow a small amount of entry and patio. This complied with earlier Board guidance. (January 19, 2011)

The Board did not offer additional guidance. (March 16, 2011)

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Capitol Hill-specific supplemental guidance:

- *Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods to the pedestrian.*
- *Provide for outdoor eating and drinking opportunities on the sidewalk by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.*
- *Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.*

Various iterations of the design have reduced the size of the courtyard. Plantings reduce its usefulness but it would function as an entry court and house limited outdoor seating for a possible restaurant.

Responding to the Board’s guidance, the applicant designed the floor of the commercial space along E. Olive Way to step up in plane to allow access along the street. (January 19, 2011)

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A brief discussion focused on the outdoor space defined by the northern massing of the proposed structure and the adjacent apartment building. (January 19, 2011)

Between the initial and final Recommendation meetings, the applicant reduced the mass of the projecting northern façade by stepping back the volume above the second floor. In spite of the reduction in mass, the applicant would need a departure from side setback regulations. The proximity of the lower portion of the elevation remained too close to the adjacent structure. The Board rejected the departure request for the lower portion below 42 feet. The entire mass should be aligned with what is currently shown for the upper five floors.

Responding to public comment requesting greater privacy between the commercial storefront and the neighboring residence across the alley, the Board stated that the width of the alley was great enough not to condition the level of window transparency. The neighbor and the applicant should resolve the issue among themselves. The placement of a transparent window will provide a greater sense of security due to the presence of people near the alley. (March 16, 2011)

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

Capitol Hill-specific supplemental guidance:

- *Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.*
- *Create substantial courtyard-style open space that is visually accessible to the public view.*
- *Set back development where appropriate to preserve a view corridor.*
- *Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.*
- *Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.*
- *Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.*
- *Use porous paving materials to minimize stormwater run-off.*

At the initial Recommendation meeting, the applicant presented a scheme complying with the Board's earlier guidance requesting small secure open spaces separating the lower units from the alley. (January 19, 2011)

At the Final Recommendation meeting, the Board considered how the proposed structure impacts the E. Olive Way view corridor. The six Board members agreed that the chamfered corner is an appropriate response to it. Due to the bend in the road, the view unfolds as a person travels along the right of way. (March 16, 2011)

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 anticipated development potential of the adjacent zones.

Capitol Hill-specific supplemental guidance:

- *Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.*

- *Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.*
- *Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.*

The Board requested that the setbacks relate to material changes. The Belmont Ave setback in the MR zone did not appear to be meaningful. It should be greater and in keeping with the residential quality of the street. The MR zone should be acknowledged. In addition, the Board asked the architect to revisit the setback at the northeast corner which comprises a clearstory. The Board also discussed whether setbacks should occur at significant material changes. (January 19, 2011)

At the earlier Recommendation meeting, the Board discussed the merits of setting the two upper most floors in the MR zone facing Belmont substantially back from the street wall established by the lower brick facade. The Board concluded that the lighter material (metal), the black, metal channel separating the brick from the grey metal cladding, the overall composition, and the level of detailing all act to reduce the presence of the upper level of the facade. No action was taken on the issue.

See A-7 for the Board's discussion of the E. Olive Way view corridor. (March 16, 2011)

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Unconvinced by the massing of the northern half of the structure, the Board requested that the architect present a more residentially scaled building along Belmont Ave. (January 19, 2011)

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 facade walls.

Capitol Hill-specific supplemental guidance:

- *Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.*
- *Solid canopies or fabric awnings over the sidewalk are preferred.*
- *Avoid using vinyl awnings that also serve as big, illuminated signs.*
- *Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.*

The proposed design lacked a common language. The Board members found it difficult to discern a clear overriding idea or parti. The facades appeared more like an awkwardly constructed collage than a well conceived composition. The gasket on the south facade, the treatment of the chamfered corner, and the numerous materials and glazing systems subverted

the larger issue of revealing a building in-sync with its larger context and its own sense of compositional integrity. The chamfer and its bay separate the south and west facades rather than unites them by its ungainly size and proportion and the discontinuity created by breaking with the brick and datum line. The Board recommended better proportions and a design consistent with the rest of the building.

The relationship of the lower and upper portions of the building also appears inconsistent. The concrete cap dividing the brick face from the upper level metal panels varies particularly at the west elevation's northern most section. The three story brick base does not appear to relate to its context. Both the recessed gasket on the south façade and recessed wall of the courtyard have a separate language with its own window treatments and balconies that have little in common with the more richly detailed brick facades and the grey metal panels.

Overall, the Board requests a simpler more restrained building, a structure more reminiscent of the architect's work displayed in the back of the Recommendation packet. (January 19, 2011)

Overall, the architect's redesign of the elevations ensured more consistency among them. The tower on the eastern side of the south elevation provoked considerable discussion about whether its height and proportions appeared outside of the design rules that the architect established. The Board eventually agreed that the tower's slightly idiosyncratic qualities endowed it with a certain charm.

The Board addressed the northern portion of the alley façade based on a public comment. The richness of the balconies, the generous amount of glazing and the clarity of design appealed to the Board members.

The Board recommended a reorientation of the horizontal windows to vertical on the portion of the north elevation with the metal panel siding. Their horizontality and proportion did not appear in keeping with the rest of the building design.

At the two uppermost floors of the chamfered corner, the dimension of the windows disturbed the overall proportionality of this important corner. The treatment at these two levels should resemble the fenestration patterns and proportions established on the south and west elevations. (March 16, 2011)

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

Capitol Hill-specific supplemental guidance:

- *Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.*
- *Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.*

The Board requested the presentation of large scale, detailed drawings of the base. (January 19, 2011)

The applicant provided numerous building details and wall sections which the Board found acceptable. (March 16, 2011)

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.

Capitol Hill-specific supplemental guidance:

- *Use wood shingles or board and batten siding on residential structures.*
- *Avoid wood or metal siding materials on commercial structures.*
- *Provide operable windows, especially on storefronts.*
- *Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.*
- *Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.*
- *The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.*

The Board praised the quality of the materials proposed but asked that the architect reduce the variety of materials and use fewer colors. The architect should also focus on craftsmanship and joinery. Drawings for the next Recommendation should show the materiality of the building in detail. (January 19, 2011)

A discussion ensued on the appropriateness of selecting metal for the upper portions of the structure. Some members noted that the brick should rise to the full height of the structure or that the change of materials ought to represent a significant change in the vertical plane. The Board members, however, agreed that the detailing of the metal (providing texture and depth) and the structure's division into a base, middle and top warranted the material's presence on the facades. (March 16, 2011)

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Capitol Hill-specific supplemental guidance:

- *Provide entryways that link the building to the surrounding landscape.*
- *Create open spaces at street level that link to the open space of the sidewalk.*
- *Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.*
- *Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.*

In keeping with its thought that too many materials cloud the composition, the Board requested that the applicant reconsider the design of the courtyard entry. The concrete frame and the wood siding appeared extraneous and incongruous with the larger leitmotifs of the elevation. (January 19, 2011)

A simpler design received acceptance by the Board. (March 16, 2011)

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Capitol Hill-specific supplemental guidance:

- *Consider: pedestrian-scale lighting, but prevent light spillover onto adjacent properties; architectural lighting to complement the architecture of the structure; transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach’*
- *Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.*

D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.

The treatment of the units facing the alley was welcomed by the Board. (January 19, 2011)

This guidance received no further comment from the Board. (March 16, 2011)

D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

The applicant should provide examples of proposed signage to be discussed at the next Recommendation meeting. (January 19, 2011)

No discussion of signage occurred. (March 16, 2011)

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

The quality of the lighting fixtures adorning the structure’s base should be upgraded. (January 19, 2011)

No further guidance ensued. (March 16, 2011)

D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

See D-1. (January 19, 2011)

See D-1. (March 16, 2011)

E. Landscaping

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

The Board did not discuss the proposed landscaping at the initial Recommendation meeting but may comment upon it at the next meeting. (January 19, 2011)

With the Board’s recommended denial of the side setback departure at the north property line, the Board discussed landscaping conditions between the reduced structure and the adjacent residential building. The Board recommended wrapping the patio design facing the alley around the corner to the north. The design of plantings along the perimeter should define the edge, providing security and privacy. (March 16, 2011)

Board Recommendations: The recommendations summarized below were based on the plans submitted at the March 16, 2011 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the March 16th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the six Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

| STANDARD | REQUIREMENT | REQUEST | APPLICANT JUSTIFICATION | RECOM-MENDATION |
|---|--|---|---|-----------------|
| 1. Front Setback. SMC 23.45.518 (Table A) | No front setback is required when a courtyard is provided abutting the street that has a minimum width equal to 30% of the width abutting street frontage or 20’ whichever is greater. | No front setback with a courtyard provided immediately adjacent in the NC zone. Courtyard width is 27% of the oval building façade (157’1”) and 19” deep. | <ul style="list-style-type: none"> ▪ To allow the adjacent courtyard in NC zone to satisfy this requirement. A-2, A-7, C-2, D-1. | Approval |

| | | | | |
|--|--|---|--|--|
| <p>2. Side Setback. SMC 23.45.518 Table A).</p> | <p>For portions of a structure \leq 42' in height, 7' average setback with a 5' minimum is required. For portions of structure > 42' in height, 10' average setback with a 7' minimum is required.</p> | <p>Below 42' from grade, average side setback of 6'9.5" with a 2" minimum. Above 42' from grade, an average side setback of 9'7.5" with an 8'1" minimum. 4% less than required average side setback for upper portion of structure.</p> | <ul style="list-style-type: none"> ▪ Proposed building massing modulates north façade and strengthens existing open space on adjacent site. A-5, B-1. | <p>Denial for area lower than 42' from grade. Lower portion must align with upper setback. Approval for the upper setback.</p> |
| <p>3. Parking Access. SMC 23.45.536C1</p> | <p>Access to parking shall be from an improved alley.</p> | <p>To allow access from Belmont Ave. E.</p> | <ul style="list-style-type: none"> ▪ Access from alley would reduce amount of available commercial space at street level. A-1, A-4, A-8 | <p>Approval</p> |
| <p>4. Sight Triangle SMC 23.54.030G</p> | <p>10' x 10' triangle at right side of exit lane.</p> | <p>5'6" x 5'6" sight triangle to pedestrian sidewalk. 45% reduction in required size.</p> | <ul style="list-style-type: none"> ▪ Provides architectural consistency within the design of the façade. C-2. | <p>Approval</p> |
| <p>5. Non-residential height SMC 23.47A.008B3b</p> | <p>13' floor to floor street-level non-residential space.</p> | <p>12'8" at SE commercial space along E. Olive Way. A reduction of 4" in floor to floor for one commercial space.</p> | <ul style="list-style-type: none"> ▪ Slope along E. Olive Way creates slight inconsistency. Height is greater than 13' on the other commercial space. A-2, D-1. | <p>Approval</p> |

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. The Board recommended a reorientation of the horizontal windows to vertical on the portion of the north elevation with the metal panel siding. Their horizontality and proportion did not appear in keeping with the rest of the building design. (C-2)
2. At the two uppermost floors of the chamfered corner, the dimension of the windows disturbed the overall proportionality of this important corner. The treatment at these two levels should resemble the fenestration patterns and proportions established on the south and west elevations. (C-2)
3. The Board recommended wrapping the patio design facing the alley around the corner to the north. The design of plantings along the perimeter should define the edge, providing security and privacy. (E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 15, 2009. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 certain limitations and/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.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and

ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation on the northeast side of the parcel is approximately 26 feet and will consist of an estimated 8,300 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Construction of the office building is proposed to last approximately 18 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity

due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need to provide construction workers with off-site parking until the new garage is constructed and safe to use. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 8,300 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 830 round trips with 10-yard hauling trucks or 415 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along E. Olive Way. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

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; increased demand for parking; 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 and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, parking impacts and public view protection warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Transportation

The proposed mixed-use development is estimated to generate 134 average daily trips (ADT) with four AM peak-hour trips and seven PM peak-hour trips. Analysis of the two intersections (E. Olive Way & Belmont Ave. and E. Olive Way & the alley), according to Gibson Traffic Consultants, shows that baseline growth (without the project) at E. Olive Way and Belmont will downgrade by one service level to Level of Service (LOS) E with 35.3 seconds of delay by 2012. The intersection of E. Olive Way and the alley will also downgrade by one service level to LOS D with 28.0 seconds of delay. With the addition of site generated traffic, the intersection of Olive way at Belmont Ave. will experience minimal increase in delay and will continue to operate at LOS E. Similarly the intersection of E. Olive Way and the alley will also continue to operate at LOS D. The study concludes that the heavy amount of pedestrian traffic (282 pedestrians at PM peak-hour) contributes to lower levels of service. In the absence of any pedestrian traffic, the intersections would operate at LOS C. Pedestrian traffic impacts the lower level of service as opposed to higher vehicular traffic volumes or less intersection capacity.

No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

Parking

The proposed mixed-use development will provide more parking stalls than are required per City Code and SEPA. The 27 residential units in the Midrise zone (which includes two live/work units) would require 27 parking spaces according to the Land Use Code (one parking stall is required for each dwelling units). Live/work units less than 2,500 square feet do not need additional parking. The remaining units and commercial uses are located in the NC3-65 zone in the Capitol Hill Urban Center Village and will not be required to provide any parking.

The applicant's consultant Gibson Traffic Consultants states that average car ownership for rental properties in the census tracts that surround the development site is 0.66 cars per units. Based on 0.66 cars per units, the peak parking demand for the proposed 78 apartment units will be 52 parking stalls.

The existing restaurant and retail spaces will be removed with the demolition of the commercial building. This totals approximately 8,360 square feet. The existing commercial use does not have associated off-street parking. Patrons use available on-street parking, walk or use another form of transportation. The on-street parking demand related to these existing land uses will be removed once the businesses close. The proposed 2,240 sq. ft. restaurant and 1,580 sq. ft. retail are approximately half the size of the existing spaces. The parking demand for the proposed land uses would be accommodated by the available on-street parking.

The proposed site is served by Metro Transit, transit routes #8 and #43, on both sides of Olive Way. Based on the ITE trip Generation Handbook, 2nd Edition (2004), Table B.2 Transportation Impact Factors Development Around Bus Transit Corridors, the development will meet the requirement for receiving a five percent reduction.

The net parking demand, with a five percent reduction, is 50 stalls for the proposed mixed-use development. The development will provide more parking (52 spaces) than is required which is expected to accommodate the peak-parking demand.

Public View Protection

SEPA public view protection policy is stated in SMC 25.05.675P. In order to protect views of Seattle's natural and built surroundings, the City has developed particular sites and corridors for public enjoyment of views. The potential obstruction of public views may occur, specifically in this case, when a proposed structure is located in "close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid patterns, or when a development along a street creates a continuous wall separating the street from the view." The Code enumerates views to specific natural and human made features worth preserving. With the subject proposal, the public has views east of the project along E. Olive Way of the Olympic Mountains and Puget Sound. Attachment 1 in SMC 25.05 designates E. Olive Way as a scenic corridor. Although the scenic route has views of the Space Needle, this specific section of the Code does not apply to it. The Code states that the decision-maker may condition or deny a proposal to eliminate or reduce its adverse impacts on designated public views.

Beginning at Broadway, E. Olive Way extends westward as it descends down Capitol Hill toward downtown. E. Olive Way crosses Broadway, Harvard Avenue East, and Boylston Avenue East opening up views to the Olympic Mountains and Puget Sound. Just east of the project site, the E. Olive Way right of way begins to curve as it extends toward Olive Way near Interstate 5. As one approaches the project site, the views to the Olympics and Puget Sound diminish as the curvature of the right of way pulls the eye away from the views and existing development downhill from the site blocks views of the water.

View shed studies provided by the applicant illustrate that the placement of building mass at the wedge shaped corner at E. Olive Way and Belmont Ave. E. produces the greatest amount of view blockage from E. Olive Way east of the site. Based on the initial view study for the proposed project, DPD requested that the applicant reduce the amount of view blockage. The view analysis performed by the applicant's architect showed that some views from Olive Way would be blocked by the proposal. The applicant responded by pulling the building back from the corner, increasing the size of a small open space at grade. This resulted in increasing the scenic view from E. Olive Way from east of the project site but still producing some obstruction of the scenic view. As part of the consideration, it is understood that future development west of the project site could potentially be permitted without SEPA review (e.g. adding new mechanical equipment and screening on the roof of the brick apartment building to the west) and could cause similar view blockage. It would be unreasonable to reduce this proposal to the extent necessary to maintain fully all of the existing view only to have the view blocked later by projects not subject to view mitigation.

While the impact of the revised proposal is adverse, it is not expected to be significant. No further mitigation based on SEPA public view protection policy is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2C.
- [] 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

Prior to MUP Issuance

Revise plans sets to show:

1. The Board recommended a reorientation of the horizontal windows to vertical on the portion of the north elevation with the metal panel siding. Their horizontality and proportion did not appear in keeping with the rest of the building design.
2. At the two uppermost floors of the chamfered corner, the dimension of the windows at these two levels should resemble the fenestration patterns and proportions established on the south and west elevations.
3. Wrap the patio design facing the alley around the corner to the north. The design of plantings along the perimeter should define the edge, providing security and privacy. (P)

Prior to Building Application

4. Include the departure matrix in the zoning summary section 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.

Prior to Commencement of Construction

5. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of all Construction Permits

6. Embed the MUP conditions in the cover sheet for all subsequent permits including updated building permit drawings.

Prior to Issuance of a Certificate of Occupancy

7. 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 (Bruce P. Rips, 206.615-1392). 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.

For the Life of the Project

8. 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 (Bruce Rips, 206.615-1392) or by the Design Review Manager. 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.

CONDITIONS – SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

9. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
10. Off-site parking shall be provided to construction workers until the parking garage is completed and safe to parking inside. A temporary parking management plan shall be submitted to DPD before initiation of construction.
11. A construction traffic management plan shall be submitted to DPD and SDOT prior to the beginning of construction.
12. Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along E. Olive Way.

During Construction

13. 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. 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 weatherproofing material and shall remain in place for the duration of construction.
14. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.

- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
15. In addition to the Noise Ordinance, requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
- a) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - b) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - c) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - d) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
16. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
17. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
18. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) 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.

Signature: (signature on file)
Bruce P. Rips, AAIA, AICP
Department of Planning and Development

Date: September 1, 2011