



City of Seattle
 Gregory J. Nickels, Mayor

Department of Planning & Development
 D.M. Sugimura, Director

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

Application Number: 3003238

Applicant Name: Steve Johnson, Johnson Architects for
 Seawest Investment Associates

Address of Proposal: 954 East Union Street

SUMMARY OF PROPOSED ACTION

Land Use Application for a six-story building containing 8,000 sq. ft. of retail at ground level and 79 residential units above. Parking for 75 vehicles to be provided at and below grade. Project includes 3,000 cu. yds. of grading. Project includes demolition of a two-story 36,000 sq. ft. warehouse.

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures.

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

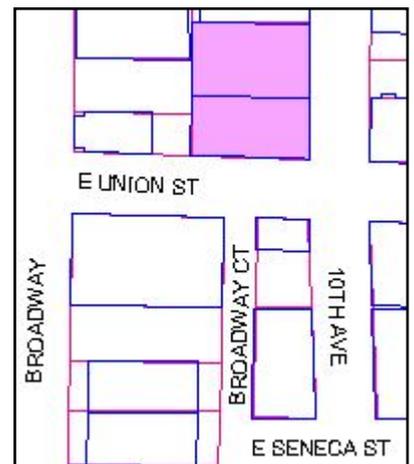
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions*
 DNS involving non-exempt grading, or demolition,
 or involving another agency with jurisdiction.

*Notice of early DNS was published on February 8, 2007.

BACKGROUND DATA

Site & Vicinity Description

The subject site is located within a Neighborhood Commercial 3 zone with a 65-foot height limit (NC3-65) with a Pedestrian 1 Overlay. The site is also located within a Light Rail Transit Overlay and the Pike Pine Urban Village.



The lot is approximately 18,785 square feet and is rectangular shaped. The site is relatively flat and is currently developed with a single story industrial building. The property is bound to the east by 10th Avenue and East Union Street to the south. There is no alley access to the site.

The surrounding context includes buildings that are of a lower-scale, light industrial character. These warehouses historically accommodated automotive services, several of which are still in operation. These buildings are generally brick with large windows and strong cornice lines. The haphazard sidewalk conditions and right-of-way configuration with 90-degree parking down the west side of 10th Avenue creates an alley-like character along this street.

Proposal

The proposal includes demolition of the existing structure and the construction of a new six-story building with approximately 8,000 square feet of ground level commercial uses, below grade parking for approximately 75 vehicles and five levels of residential uses (approximately 79 units) above the commercial base. Access to the site is proposed from 10th Avenue.

Public Comments

Approximately 18 members of the public attended the Early Design Guidance meeting held on October 19, 2005. They offered the following comments:

- Correction that the vicinity of the project is actually very active and vibrant, especially during evening hours;
- Expressing fondness for the industrial character of the existing structures in the neighborhood;
- Stressing that consultation with the *Pike Pine Design Guidelines* would be a helpful tool for guiding the design development;
- Concern that the proposed second level courtyard will be dark and unusable and will eventually be blocked off by any future abutting development;
- Suggest that the parking and residential entrances be separated;
- Noting that the excellent location and prominent, pivotal corner this site offers presents an excellent opportunity to spark positive future development in the immediate vicinity;
- Concern that the third design scheme appears more of a response to standard modulation dimensions than a creative design;
- Warning against taking design cues from the nearby Silver Cloud;
- Noting that this is an interesting and eclectic neighborhood that needs to maximize and embrace its potential as an extension of the Capitol Hill and Pike Pine neighborhoods;
- Improvements to the pedestrian realm are desired (especially street trees) given the awkward existing streetscape;
- Consider that new structure will block views and should therefore strive to design a building that is beautiful and interesting;
- Clarification of what the vision or intended tenants are for the commercial uses on the site [unknown, but possibly a fitness center];
- 10th Avenue feels more like an alley than a street and could be improved to be more pedestrian friendly;
- Urging review of projects developed in neighborhood to understand desired aesthetic;
- High quality materials are paramount;

- Union Street is heavily trafficked with both desirable and undesirable uses and activities. To encourage positive activity, the design of the commercial spaces is critical. To encourage the right tenants, thought should be given to the retail types desired in the area. The ground level should include a lot of transparency and include high floor to ceiling height;
- Inclusion of balcony doors and oversized windows for the upper floors is preferred and in keeping with the automotive industrial character of the neighborhood's history and built environment;
- The roof should be attractive and provide nice views from nearby buildings;
- Express sympathy to the Union Co-Op building as a significant architectural contribution to the community;
- Concern that the parking provisions will not be adequate; and
- Concern that the existing odors and noises generated by the abutting uses will become a source of complaints for future residential tenants.

Approximately seven members of the public attended the Second Early Design Guidance meeting held on August 2, 2006. The following comments were offered:

- Clarify that the address of the subject site is East Union (not Union).
- Support the entry off of Union as the most functional for tenants.
- Suggest that the window latches not be located too high.
- Support proposed access given that the bus line runs along Union and that it is a busy street.
- Encourage improvements to sidewalk environment.
- Important to recognize that the exhaust from the neighboring use (to the NW of the site) is an existing condition and therefore the proposed open space should be located at the SW corner.
- The residential units should have large windows.
- Clarify that the auto repair shop has a 13 foot tall wall at the west property line.
- Noting that there are paint fumes from neighboring property will need to be re-routed away from the proposed site.
- Loss of on-street parking should be accommodated with additional parking within the proposed development.

Written comments from a neighbor were also provided to DPD stating a preference for a residential entrance off of East Union Street and a vehicular entrance off of 10th Avenue. The letter also encourages the applicant to consider inclusion of a green roof and/or solar panels into the project design.

Approximately five members of the public attended the Recommendation meeting held on July 11, 2007. The following comments were offered:

- The assertion that the neighborhood not yet established in terms of scale or character is incorrect. This project will be very important and will set an important precedent, while also dwarfing most of the surrounding buildings.
- Because 10th Avenue runs into the Seattle University campus and there has been some discussion of extending the street through the campus, this project should strive to reinvigorate the pedestrian and retail character of this street in an effort to draw energy towards the south.
- The quality of apartment building materials should not suffer.
- The brick should be extended to the second level for the length of the street elevations.
- The proposed mustard yellow color is too trendy.

- It was smart to located the residential units away from the fumes and noise from the nearby automotive paint shop.
- The proposed design is well-composed and works well in the neighborhood context.
- Clarify that the windows are fiberglass and a dark color.
- Concerned with the proposed balconies on the street fronts; balconies can appear too suburban.
- The building design at the corner should be symmetrical.
- Would like to see the full Green Factor provided. Or possible the provision of a street bulb at the corner.
- Clarify that street lights are proposed in the planting strip.
- Building looks nice.
- Believes that the preservation of older buildings should be a priority.
- Narrow alley-like space needs to be gated.
- Clarify that fumes from the auto shop have been redirected upwards, so they don't project into the alley.
- The Green Factor departure has not been justified.
- Support efforts to create curb bulb.
- Wants to see the planting strip richly planted.
- Concerned with the garbage collecting around the existing building.
- Likes the mix of unit sizes proposed.
- The blanks walls should be designed to have additional texture or patterns since the vines will take a while to establish themselves as a green wall. Concerned with trellis shown on north façade.
- Prefer exposed concrete to metal panels.
- Not favorable towards Green Factor departure since this is a great amenity to the greater neighborhood.
- LED lighting not necessary.
- Glad to see apartments being developed.

Three comment letters were received during the SEPA comment period for this proposal that ended on February 21, 2007. The following comments were offered:

- Request to be a party of record.
- Prefer that Union Street be the main entry point to the building and that the driveway should be off of 10th Street.
- Would like to see the design incorporate a green roof and/or solar panels.

ANALYSIS - DESIGN REVIEW

Design Guidance

Three schemes were presented at the Early Design Guidance meeting. The first scheme proposed a full build out building utilizing 100% lot coverage. The second alternative proposed an L-shaped structure above the ground level, opening towards the intersection of 10th Avenue and East Union Street. The third and preferred scheme proposed a modulated structure with a second level courtyard space facing towards the northeast corner.

The Architect described the automotive industrial character of the surrounding Pike/Pine neighborhood. He also described the development objective of creating a vibrant streetscape that will attract pedestrians to the immediate block from Broadway and Pike Street.

At the Second EDG meeting, the three schemes presented at the previous meeting were summarized. Option 3 was further developed showing a residential entrance off of East Union Street and a garage entry off of 10th Avenue. Interest in keeping the Union sidewalk uninterrupted to the many pedestrians along this corridor was explained as the reason for the access location. A solar study showed how the proposed second level terrace located at the NW corner would fare and experience shadow. Assuming that the abutting properties to the west are not redeveloped, the courtyard would receive a fair amount of solar exposure. Although no commercial parking would be required by the Code, the proposed development would like to include extra parking for the commercial use. All of the residential parking would be located below grade. The applicant also proposes to improve the right-of-way with street trees and a curb bulb at the corner.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project. The Board also consulted with the recently adopted neighborhood specific guidelines *Pike/Pine Neighborhood Design Guidelines*.

At the Recommendation meeting, the Board was presented with a design that has been further developed since the previous meeting. The building form is L-shaped to reinforce the street edges and opens up to the northwest with a common courtyard for building residents. The courtyard is landscaped with a central water feature. Several green walls are proposed at the west and north property lines. The access is located off of 10th Avenue and connects to parking that is both below grade and at grade (behind the ground level commercial spaces). A LED strip of lighting is proposed to be inset within the metal trellis feature shown at the top floor.

Site Planning

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

At the EDG meeting, the Board was not convinced that the design direction at this early stage reflect the urban context described in the presentation. The Board would like to have a second EDG meeting where conceptual, but more detailed design studies that truly respond to the neighborhood character are presented.

The Board encouraged creative exploration of the opportunities to improve the sidewalk spaces along both sides of the subject site with decorative paving, street trees with decorative grates and overhead weather protection, lights, signage, widening of the sidewalk, etc.

At the Recommendation meeting, the Board was pleased with the proposed sidewalk improvements that included street trees, planting strip and awnings with signage above. The Board wants to see a curb bulb pursued further with SDOT.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The Board feels that the residential entrance should be clearly demarcated, separate from the commercial entry. The Board suggested that a broad, bold gesture should be integrated into the residential entry design.

At the Recommendation meeting, the Board was supportive of the residential entrance which delineated by a different awning and reinforced by the vertical wall of windows extending from the roof down to the entry door.

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

The Board stressed that creating commercial spaces that will attract the types of retail tenants that encourage pedestrian traffic and have the potential to interact with the public realm are highly desired. The Board agreed that this development has the opportunity to extend the active pedestrian life of this neighborhood from Broadway. The design and building program should encourage positive pedestrian activity to flow down both 10th Avenue and Union Street. Transparent, operable windows, overhead weather protection, street trees, decorative exterior light fixtures, benches or other seating opportunities and architectural details are examples of attractive features that should be included for a successful pedestrian environment.

At the second EDG the Board emphasized that the pedestrian character along 10th Avenue is equally important as that of East Union. Although 10th Avenue appears to be more of an alley function, the commercial uses should front on this street. The Board also agreed that the design should include enhancements to the pedestrian environment of 10th Avenue and encourage traffic calming. The Board would support a residential entrance on 10th Avenue for this reason.

At the Recommendation meeting, the Board agreed that pedestrian enhancement have been included along both street fronts. The Board recommended several additional conditions; see C-4.

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

Pike/Pine: Locating a significant amount of open space on rooftops is discouraged. Open space at street level and features that provide visual relief on building facades, such as balconies, are encouraged.

The Board noted that the second level open space should be situated to maximize solar exposure and not open towards the northwest corner. The proposed configuration not only pushes the open space to a dark corner, but also increases the proximity to the more industrial uses abutting the site and may eventually be completely blocked in as potential future

development of the abutting property to the north occurs. The Board looks forward to reviewing a high-quality, well programmed and well landscaped rooftop level open space design that is mindful of the views of the rooftop from neighboring buildings. The Board would like to see a solar analysis that demonstrates adequate solar exposure of the proposed open space.

At the second EDG meeting, the Board questioned why the open space continued to be shown at the NW corner. The applicant explained that the urban character of the neighborhood suggests that a strong building face at the sidewalk edge is more appropriate and that they wanted to design a strong urban corner, rather than one that is eroded by a second level courtyard.

The Board was supportive of the enclosed communal amenity room. The Board also reiterated that the quality of the design, character and details of the courtyard will be critical in their next review. The inclusion of trees at the courtyard level is encouraged.

At the Recommendation meeting, the Board was pleased with the configuration of the courtyard and communal room. The courtyard is landscaped with several raised planters, including two mature trees. A central water feature is located in the courtyard. A series of trellises are located around the courtyard, as well as several along the alley that will establish green walls along the west façade.

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

The Board agreed that the driveway should be located on 10th Avenue rather than Union Street given the significant levels of traffic activity already navigating along Union Street.

At the second EDG, the Board encouraged the applicant to consider requesting a departure for a narrower driveway to the site, thereby minimizing the impacts of the vehicular access on the pedestrian environment. The Board also specified that the driveway should be located as far from the intersection as possible (furthest point to the north property line).

At the Recommendation meeting, the Board was supportive of the proposed access location and reduced driveway width.

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.

Pike/Pine: Buildings on corner lots should reinforce the street corner. To help celebrate the corner, pedestrian entrances and other design features that lend to Pike/Pine's character may be incorporated. These features include architectural detailing, cornice work or frieze designs.

The Board articulated the high visibility of this "beacon" corner from 10th Avenue and East Union Street. Given the height of the proposed building relative to the existing development, there will be numerous views of this site from several vantage points. The Board would like the architect to continue exploration of design details that will highlight the corner location and respect the automotive history of the neighborhood. These studies should be shown at the next meeting.

At the second EDG meeting, the Board supported the concept of a strong corner, marked by strong building materials, flanked by vertical notches and reinforced by a curb bulb. The prominence of this corner should be highlighted through pedestrian enhancements at the ground level with signage, lighting, street furniture and overhead canopies, as well as at the upper levels through the building design and materials.

At the Recommendation meeting, the Board felt that the design responded well to this earlier guidance and includes a strong corner form with vertical recesses on either end. As noted previously, the Board would like to see a corner bulb included in the street improvements package.

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 nearby, 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 on the adjacent zones.**

The Board supported a design that maximizes the potential development allowed by the underlying zone. However, the Board agreed that the building mass should mimic the forms and aesthetic found in the immediate neighborhood.

The Board agreed that, as presented, the three massing alternatives were not all viable options. All three schemes should strive to create a strong commercial base. At the second EDG meeting, the Board would like to review three alternatives that the developer feels are both workable and desirable.

At the second EDG meeting, the Board recommended that the blank walls along the north and west side be treated with some visual interest.

At the Recommendation meeting, the Board agreed that the metal trellises affixed to the north and west blank wall will provide visual relief and green wall opportunities. The Board did note that an additional trellis should be included along the west elevation.

Architectural Elements

- 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 pattern and siting pattern of neighboring buildings.**

Pike/Pine: The Pike/Pine “vernacular” architecture is characterized by the historic auto-row and warehouse industrial features of high ground floor ceilings and display windows, detailed cornice and frieze work, and trim detailing.

New buildings should echo the scale and modulation of adjacent buildings in order to preserve both the pedestrian orientation and consistency with the architecture of nearby buildings. Architectural styles and materials that reflect the light-industrial history of the neighborhood are encouraged. Examples of preferred elements include:

- **Similar building articulation at the ground level;**
- **Similar building scale and proportions; and**
- **Similar building details and fenestration patterns.**

Taking architectural cues from the following developments is encouraged:

- **Villa Apartments (NE Pike/Boren);**
- **Wintonia (SW Pike/Minor);**
- **NW Boylston/Pine;**
- **Pike Lofts (SW Pike/Bellevue);**
- **Schuyler (SW Pike/Boylston);**
- **Monique Lofts (NW Pike and 11th)**

The Board agreed that the historic, industrial character and aesthetic found in the surrounding built context should be reflected in the design of the new structure. See also, A-5.

At the Recommendation meeting, the Board was pleased with the overall architectural design. They expressed some concern, however, with the proposed balconies facing the street (but not clearly visible on the elevations) and would like to see the balconies better integrated into the architecture. The Board noted that the stainless steel cable rails should be light and unobtrusive. Three of the Board members were supportive of the symmetry expressed by the corner element as it wraps around to both street fronts; one Board member felt that the two sides should be treated differently.

C-2 Architectural Concept and Consistency.

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

The Board suggested that transparent operable windows and/or roll-up garage doors at ground level would help achieve the desired interaction between the private and public realm.

At the second EDG meeting, the Board added that providing greater ceiling height for the retail or live/work units at street level may allow for the inclusion of mezzanine levels and would help reclaim some of the height from the garage program.

At the Recommendation meeting, the Board was pleased with the proposed commercial height of 15 feet. The Board also supported the transparent glass windows and recommended conditions for operable and/or roll up windows. See C-4 below.

The Board agreed that the brick base should wrap around the southwest corner for the depth and width of the notch on the alley. The Board recommended this be a condition of the approval.

Recommended Condition:

1. The brick base should wrap the southwest corner of the building to cover the notch along the alley.

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

Pike/Pine: In order to achieve good human scale, the existing neighborhood context encourages building entrances in proportion with neighboring storefront developments. In addition to the Citywide Design Guidelines, developments should successfully contribute to the vitality of the street level and pedestrian scale relationships to the right-of-way. Thus, the design of the ground floor of new developments should include:

- **Pedestrian-oriented architectural elements**
- **A rhythm of building modulation comparable or complimentary to adjacent buildings**
- **Transparent, rather than reflective, windows facing the street**

This is especially important along Pike, Pine, and Olive Streets, as well as on 10th and 11th Ave between Pine/Madison. It is preferred that ground floor development echoes the patterns established by adjacent buildings in this area including high-bays and glazing along the ground floor. Cues can also be taken from the Harvard Market located on Broadway and from the south side of Pike between Boylston and Harvard.

See C-2 and D-1.

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.

Pike/Pine: New development should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include brick, masonry, textured or patterned concrete, true stucco (DryVit is discouraged), with wood and metal as secondary or accent materials.

The Board looks forward to reviewing more detailed material and color alternatives that reflect and respond to the surrounding architectural aesthetic.

At the second EDG, the applicant explained they were considering use of metal masonry and hardi-board. The Board was very supportive of the use of masonry as appropriate materials for the neighborhood. They also noted that metal and glass are also desirable materials that reflect the auto row warehouse context. The Board encouraged deep set, operable windows and transom windows particularly at the ground level.

At the Recommendation meeting, the Board was presented with a red and brown mottled brick masonry base that extends to the second floor at the corner module. The slightly projecting bays are a yellow-ochre color in a cement panel material. The top floor is slightly set back and changes to a metal panel that is dark grey. Three of the Board members expressed support for the proposed material palette; one Board member was displeased that additional masonry has not been included throughout the street facing elevations. The Board was hesitant about the yellow-ochre color and felt that it may feel too dated too quickly. The Board recommended a condition to include operable windows and/or roll-up doors at the ground level. The Board also recommended a condition that the concrete panels at the column bases be pre-cast concrete. Finally, the Board recommended a condition that the fiberglass windows be a dark color.

Recommended Conditions:

- 2. The ground level commercial spaces should include operable and/or roll-up doors.*
- 3. The concrete panels at the column bases should be pre-cast.*
- 4. The windows should be fiber glass of a dark color.*

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 Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible.

At the second EDG, the Board reiterated this sentiment and suggested including special paving along 10th Avenue that would emphasize the pedestrian.

At the Recommendation meeting, the Board recommended a condition to include special paving at the driveway, as well as a well-designed garage door.

Recommended Conditions:

- 5. The driveway should be paved with special paving that delineates the driveway and makes the space appear more pedestrian friendly.*
- 6. The garage door should be well-designed.*

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.

See A-3.

- 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 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.**

At the second EDG, the Board noted that all of the dumpsters and service elements should be contained within the building.

At the Recommendation meeting, the Board was pleased that all of the service elements are contained within the building.

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

At the second EDG meeting, the Board stressed that lighting along the pedestrian pathways is critical and should provide an opportunity for pedestrian activity to extend from Cal Anderson Park and the various venues in the immediate vicinity. The Board also warned against design blind corners that might compromise pedestrian security.

At the Recommendation meeting, the Board was supportive of the four street lights proposed along both street fronts. [Staff note: The plans should be updated to reflect the street lights shown on the renderings.]

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.**

Pike/Pine: The creation of small gardens and art within the street right-of-way is encouraged in the Pike/Pine neighborhood in order to enhance and energize the pedestrian experience. This is especially desirable for residential and mixed use developments as well as a means to distinguish commercial areas from institutional areas. Providing vertical landscaping, trellises or window boxes for plants is also desirable. *Street greening* is specifically recommended along the following streets:

- Avenues between Union and Pike Streets, from Minor Avenue on the west to Harvard Avenue on the east;
- Along Bellevue, Summit, Belmont, and Boylston (except from Pike to Pine)
- Union Street from Boren to Broadway
- Avenues between Pike and Olive Streets from 11th Ave. on the east to 14th Ave. on the west including Pine from 14th and 15th and Olive from 11th to 15th (except along 14th Ave. from Pine to Pike). Permit approval from Seattle Transportation is required in most cases for features placed within the City Right-of-Way and early coordination with SDOT is recommended.

The Board feels that extensive hard-scape treatments should be proposed at the sidewalk level (curb bulb, street trees, decorative grates, etc). The Board wants the residential open space to be well-designed and well-programmed.

At the second EDG meeting, the Board stressed that a high quality landscape design and maximizes light to the open space will be a key consideration in reviewing the requested departure.

At the Recommendation meeting, the Board reiterated that a curb bulb, similar to those found in the immediate vicinity, is strongly recommended. The Board also recommended a condition to extend the trellis feature along the alley to the south.

Recommended Condition:

7. The design should extend the trellis feature along the alley façade further to the south to meet the metal siding of the building.

Design Review Departure Analysis

At the time of the Recommendation meeting, the design team requested the following departures.

1. **DRIVEWAY WIDTH (SMC 23.54.030.D).** The Code required that the driveway width be 22 feet wide. The proposed driveway is 20 feet wide.

The effort to reduce the driveway width was in direct response to the Board's guidance to reduce the presence of this driveway on the pedestrian environment. The Board was unanimously supportive of this departure request provided that the garage door is well considered and designed and that the driveway is treated with special paving.

2. **GREEN FACTOR (SMC 23.47A.016).** The Code requires that 30% of the site (5,634 SF) is treated with elements that contribute to the Green Factor. The proposed design meets 21% (3,904 SF) of the Green Factor.

The Board was not supportive of granting such a substantial departure from the Green Factor. The Board specified that either 100% of the Green Factor be satisfied or that 75% of the Factor be met along with a series of specific design features including: roll up doors for the retail use on 10th Avenue, additional street trees, street furniture and endeavor to provide a curb bulb. The Board suggested that the rooftop of the corner module could be planted as a green roof.

Summary of Board's Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the July 11, 2007 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-3 and C-1.
2. As described under Guidelines C-2 and C-4, the building materials and colors reviewed at the Final Design Review meeting.
3. The landscaped open spaces with plants providing texture, color and seasonal variation, as well as street trees and landscaping in the right-of-way presented at the Final Design Review meeting and described under Guidelines A-7 and E-2.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along both East Union Street and 10th Avenue, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity and reflect the neighborhood character.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four of the five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines C-5 and E-2.

The Board recommended the following conditions to be resolved administratively with DPD Staff:

1. The brick base should wrap the southwest corner of the building to cover the notch along the alley.
2. The ground level commercial spaces should include operable and/or roll-up doors.
3. The concrete panels at the column bases should be pre-cast.
4. The windows should be fiber glass of a dark color.
5. The driveway should be paved with special paving that delineates the driveway and makes the space appear more pedestrian friendly.
6. The garage door should be well-designed.
7. The design should extend the trellis feature along the alley façade further to the south to meet the metal siding of the building.
8. At least 75% of the Green Factor must be met prior to MUP Issuance per the departure recommendation above.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 4, 2007. 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

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 3,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	• 3,000 cubic yards of excavated materials.
2. Traffic	• Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	• Increased noise from construction activities.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD and any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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 current proposal involves excavation of approximately 3,000 cubic yards of material. 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.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 300 single-loaded truckloads to remove the estimated 3,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the 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 en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these 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.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted.

Parking

The 75 parking spaces provided by the proposed development are all located on-site. The parking spaces are below grade which is accessed via a single two-way driveway off of 10th Avenue. The existing site does not currently have any parking.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment and Specialty Retail were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	ITE Peak hour	Total Spaces per ITE	Proposed
Proposed	Mid Rise Apartment (ITE 221)	79 units	79	98	75
Proposed	Specialty Retail	8,000 SF	19		

According to the ITE manual, the 8,000 square feet of retail use associated with the proposed project would require approximately 19 parking spaces during the peak hour likely to occur during the early afternoon peak hours. The 79 proposed residential units would require approximately 79 spaces during the peak hours likely between late evening and early morning. Auto ownership (and therefore residential parking demand) is lower in Capitol Hill than other parts of Seattle, as documented by Census data. Generally, a peak residential parking demand of 0.85 spaces/unit (rather than the 1/unit stated in ITE) would be a reasonable residential peak parking demand for this project. This would result in 67 residential vehicles at peak times.

The ITE rates for specialty retail also are likely to be high; the same factors that would reduce retail vehicle trips to and from this site (availability of transit, sufficient density to encourage walking and biking, etc) would also reduce retail parking demand. Demand is likely to be at least 25% below the numbers cited in ITE, which would result in a 14-15 spaces during retail peak demand.

The peak parking demand for the two uses is unlikely to occur during the same hours. The peak for this project will be late evening and overnight hours, when the residential parking demand is at its greatest. The amount of retail parking demand at these hours will vary by use, but it is reasonable to make some reduction to estimate evening retail parking demand. The combination of the other mode choices noted above and the likelihood that evening will be something of an "off-peak" for retail use will result in a evening retail parking demand that is no more than half of the peak suggested by ITW figures, or about 9 or 10 vehicles.

The 67 residential vehicles plus 9 or 10 retail vehicles would result in a peak demand, probably occurring in the evening, of 76 - 77 vehicles. This suggests that the project may have a slight parking overspill at this time. However, the existing site does not have any parking, so it presumably has generated some amount of on-street parking demand; removing this use removes this demand.

This amount of overflow of estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by William Popp Associates dated January 22, 2008 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the proposed development, trip generation rates associated with Mid Rise Apartment and Specialty Retail were used. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
Existing	Warehouse (ITE 150)			20
Proposed	Mid Rise Apartment (ITE 223)	(Unit Count) 79	31	53
Proposed	Specialty Retail (ITE 814)	(Per 1,000 SF) 8,000	22	

Using the ITE data, there will be approximately 33 additional trips in the PM peak hour associated with the proposed combination of uses. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services Broadway and the Capitol Hill neighborhood and provides direct connections to downtown Seattle. Furthermore, these figures do not consider pass-by reductions. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no additional mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

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.

- 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 – SEPA

During Construction

The owner applicant/responsible party shall:

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

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.
2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (Non-Appealable)

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

4. The height, landscaping and street improvement requirements must be reviewed and approved by DPD.

Prior to MUP Issuance (Non-Appealable)

5. At least 75% of the Green Factor must be met prior to MUP Issuance per the departure recommendation analysis on Page 14.

Prior to Building Permit Issuance (Non-Appealable)

The plans shall be revised to show the following:

6. The brick base should wrap the southwest corner of the building to cover the notch along the alley.
7. The ground level commercial spaces should include operable and/or roll-up doors.
8. The concrete panels at the column bases should be pre-cast.
9. The windows should be fiber glass of a dark color.
10. The driveway should be paved with special paving that delineates the driveway and makes the space appear more pedestrian friendly.
11. The garage door should be well-designed.
12. The design should extend the trellis feature along the alley façade further to the south to meet the metal siding of the building.

Prior to Pre-Construction Conference

13. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #4-10 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

14. 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 (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

15. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
16. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
17. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
18. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

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

Date: February 21, 2008