



City of Seattle

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

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

Application Number: 3003274
Applicant Name: Matt Driscoll
Address of Proposal: 8512 20th Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to establish the use for the future construction of a six-story building containing 4,000 square feet of retail at ground level with 145 residential units above in an environmentally critical area. Parking for 167 vehicles to be provided in a below grade garage.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 SMC.

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS

[X] DNS with conditions

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

*Early DNS Notice published September 13, 2007 and revised October 4, 2007.

BACKGROUND DATA

Project Description

The applicant proposes a six-story building containing 145 residential units and approximately 4,000 sq. ft. of live /work units at ground level over a below grade parking garage housing 167 vehicles. The structure would have three major volumes: four, 2.5-story townhouses facing NE 85th Street, an east-west oriented tower, and a north tower. An existing two story metal building (14,500 sq. ft), which fronts on to 20th Ave. NE, would remain on the site and house office and possibly retail uses. The parking garage would be accessed from a curb cut and driveway near

the mid-point of the property along NE 85th St. A series of arcades and outdoor corridors would lead from the sidewalks at corner of the two adjacent streets and on 20th Ave. NE to the residential units. Between the largest building mass (the south tower) and the existing metal clad building on site, a small plaza facilitates trash and recycling transference and residential entry to portions of the complex.

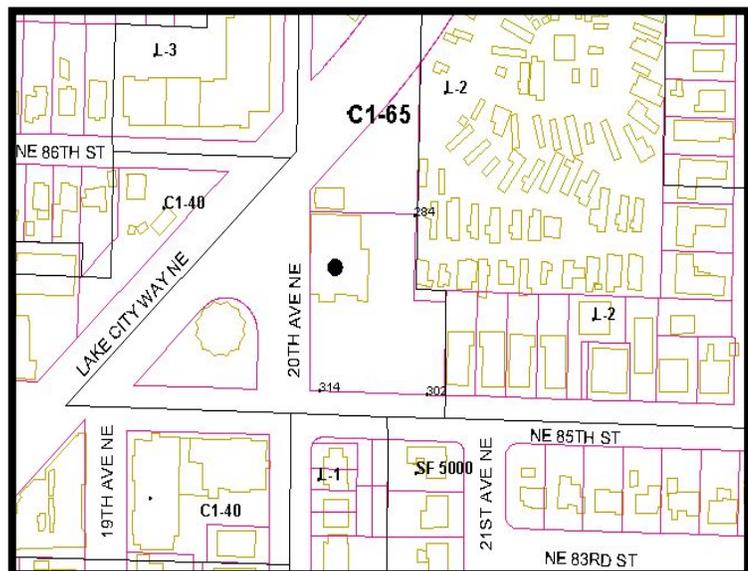
The concept design shows a curb bulb at the corner of NE 85th St. and 20th Ave. NE, a pullout lane in front of the residential entrance on NE 85th St. At the roof top, the landscape plan indicates green roofs, planters for tenant gardening and a small deck area for resident use.

The Design Review packet for the preliminary Recommendation meeting contained two new alternative schemes following the applicant's revision of the scheme reviewed at the November 2005 EDG meeting. Between meetings, the applicant added a residential tower, which eliminated much of the open space. By the second Recommendation meeting, the applicant had responded to many of the issues identified by the Board including the following: 1) providing shade and shadow studies; 2) adding an entry at the complex's southwest corner; 3) altering the exterior corridors between buildings; 4) moving the mass of the north tower away from the L-2 zone and terracing the floors above 35 feet; and 5) redesigning the court between the existing building and the proposed one.

In addition, the applicant revised the live/work storefronts and eliminated the one closest to the courtyard, added landscaping and fencing at the perimeters, and added a green screen to the façade of the existing building.

Site and Vicinity Description

The site lies within the Lake City Way corridor. Auto related businesses and four and five-story apartment complexes represent the majority of land uses. A Chinese restaurant occupies the parcel immediately to the west. Nearby residential uses include University Trailer Park to the east and the 50-unit Lakeview Court Apartments to the southwest. 2002 saw the construction of four townhouses directly across NE 85th St. Between the subject property and Lake City Way lies the Talent West building.



Properties bordering Lake City Way have a Commercial One zoning designation with height limits of 65 and 40 feet (C1 65 and C1 40). The subject property and Ying's restaurant have C1-65 zoning; the parcels to the southwest possess a C1-40 zone. The University Trailer Park and other properties to the east are zoned Lowrise Two (L2). To the south, zoning changes to Lowrise One (L1) and Single Family 5000 classifications (SF 5000).

Located near Lake City Way NE at 20th Avenue Northeast, the project site encompasses a .93 acre, irregularly shaped lot containing a vacant, two-story, warehouse building and a large storage yard. The project lies within a Commercial One zone with a 65 foot height limit (C1 65). The terrain descends approximately 30 feet from the southwest to the northeast with a substantial portion of the total slope near the property's center (a mapped steep slope area). The rights-of-way, 20th Ave. NE and NE 85th Street, define the eastern and southern boundaries. NE 85th St has minimal improvements; however, an attractive row of trees within the property line extends along the street. A sidewalk and curb stretches along 20th Ave. NE. The site's northern and eastern perimeters face a Talent West commercial building, the 3.6 acre University Trailer Park, and a one-story, five unit apartment building, respectively. A driveway (potentially an easement) leads downhill from Lake City Way NE through the Talent West property to the lower portion of the project site.

ANALYSIS-DESIGN REVIEW

Public Comments

Eleven individuals signed-in at the Early Design Guidance meeting. They offered the following comments:

- The height of the building should be compatible with neighboring apartment buildings and single family structures. Most homes in the area are one-story. The newer apartment buildings are no taller than four stories.
- Provide street improvements on NE 85th Street. The existing paving is narrow and there are minimal street improvements.
- A traffic light is needed at NE 85th Street and 20th Avenue NE.
- Safety represents another important issue. Accidents occur at the corner of NE 85th Street and 20th Avenue NE. Sight lines to the stop sign are poor. The hill on NE 85th St. obscures the intersection forming a blind spot as one travels west bound on NE 85th St. Traffic speeds too quickly along 20th Ave. NE from Lake City Way.
- Add sidewalks and curbs from Lake City Way to 25th Ave. NE.
- Provide adequate amounts of parking within the building.
- Some individuals favored the mixed-use option.
- A grocery store is a good idea.
- Don't build an imposing wall along the adjacent street rights-of-way.
- The neighborhood has changed in recent years. The number of owner occupied houses has increased. Residents see more investment in the homes.
- Don't add balconies to the building. They are unsightly particularly when used as storage.

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on November 7, 2005. 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

identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design. Pike/Pine Urban Center village Design Guidelines are in italics.

A: Site Planning

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

The site slopes dramatically (a total of approximately 30 feet) from the southwest to the northeast portion. Along 20th Ave. NE, the hillside inclines an estimated 13 feet from west to east.

An attractive row of trees lines 85th Ave. NE within the property line. The Design Review Board urged the preservation of these trees.

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

The primary residential entry should occur near the corner of 20th Ave. NE and NE 85th St. Commercial entries could be located along 20th Ave. NE.

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

The design of the streetscape and the building at 20th Ave. NE should encourage pedestrian activity. The Board requested that a sidewalk should be 15 to 16 feet wide along 20th Ave. NE. This would assist in creating semi-public open space along the Avenue. The street level frontage along NE 85th St. should also be designed to be conducive to the pedestrian. Including attractive landscaping along with rights-of-way improvements should contribute to making the vicinity a safer and more pleasurable experience.

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.

In deference to the change in zoning to the east (Lowrise Two), to the south (Single family) and to the existing land uses located in these districts, the proposed massing should step down (terrace) as it approaches the east and the south. The bulk of the mass should be located along 20th Ave. NE and terrace in response to the slope and the adjacent one and story structures.

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

The Board urged the development team to create open space at grade along the streets and / or within the complex.

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.

Vehicle access should be located on the downhill side of NE 85th St. The Board strongly encouraged using only one curb cut and driveway. Access to the multiple garage levels should occur within the interior of the structure rather than at two or more curb cuts.

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.

The residential entry should occur at the intersection of 20th Ave. NE and NE 85th St.

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.

Any proposal on the subject site will always be adjacent to smaller buildings to the east and across the street to the south. As stated in guideline A-5, the Board feels that the bulk of the building mass should be located along 20th Ave. NE.

The most “powerful” façade should occur on 20th Ave. NE at a scale with the Lake City Way commercial corridor. The one-story restaurant (Ying’s) allows for considerable exposure from Lake City Way.

The rest of the building mass should be reduced in size as it approaches the adjacent Lowrise Two zone. The design of the building mass should also respect the SF 5000 zone across NE 85th St. in a similar way with the goal of making a good transition in height, bulk and scale to the less intense zones.

C: Architectural Elements and Materials

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

In order to create a pleasant pedestrian streetscape, the concentration of architectural details should occur on the façades at NE 85th St. and 20th Ave. NE. The architect should consider including features such as over head weather protection, operable windows, interesting paving and landscaping among others.

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.

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

Access to a proposed parking structure should occur on NE 85th St. and should be limited to one curb cut/driveway on NE 85th St. located on the lower end of 85th away from the 20th Ave. NE / NE 85th St. intersection. Access to the different levels of the garage should occur internally within the garage itself rather than using two garage entrances at various points along NE 85th St.

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.

The Board emphasized its desire to see the concentration of open space along 20th Ave. NE to supplement the streetscape.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Placement of the garage along NE 85th St. would potentially create blank walls facing the street. The architect should use landscaping and other strategies to create a visually interesting facade on the streetscape.

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.

Trash and recycling receptacles should be housed within the structure as opposed to on the exterior near the streets.

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.

REQUESTED CODE DEPARTURES

The proponent presented three preliminary departure requests. These included 1) a decrease in the percent of street facing facade devoted to commercial frontage; 2) a reduction in open space, and 3) the elimination of the 15 foot setback triangle adjacent to residential zones.

The Board expressed a strong desire to preserve the 15' triangular setback. The creation of the regulation was meant for the very condition this site represents, one in which a large commercial or mixed use complex sits adjacent to a residential zone with lower heights and densities.

Providing open space at ground level at this particular site makes more sense to the Board members than locating it on a roof. Creating a wider sidewalk of 15 to 16 feet along 20th Ave. NE and well landscaped open spaces would meet the priority guidelines cited above (A-5, D-2, and C-3) in which the Board would consider open space reductions. The Board members conveyed a consensus that 20th Ave. NE should have the full frontage devoted to commercial uses.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on May 25, 2006 and then re-noticed September 13, 2007 with revisions September 20 and October 4, 2007.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Preliminary Recommendation Meeting and a Final Recommendation Meeting on March 17, 2008 and June 16, 2008 respectively to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Fourteen community members attended the Preliminary Recommendation meeting. Comments and questions focused on construction impacts upon the immediate neighborhood (duration of construction, truck parking, noise, preservation of a maple tree), on long term maintenance of proposed green features, and the impacts of the structure's height on adjacent properties in the L2 zone. One person requested shadow studies to determine the impact of the proposed structures on the neighbors. Another comment praised the proposed use of brick.

Seven individuals signed-in at the final Recommendation meeting.

- Project has too many residential units which would contribute to additional parking and traffic problems.
- Prefers more commercial use particularly a grocery store.

- Timing of construction poses a potential problem if other projects such as the former Waldo Hospital site and construction of a lid on the Maple Leaf reservoir occur at the same time.
- Proposed building will cast shadows on neighbor's garden.
- Prefer low level lighting. Ambient light should not cross over the property lines.
- Additional people living in the vicinity create increased security issues.
- Need good lighting to prevent vandalism.
- The proposed perimeter chain link fence is good.
- Will the applicant use construction cranes and will they be like the ones that fell in Bellevue and New York City?
- What is the impact on the tree near the property line?
- If there is a question whether the developer should create a LEED Gold project or add more solar panels, the developer should add the solar panels.

How will the project affect water pressure in the neighborhood?

DPD received approximately ten comment letters from neighbors and others. The correspondents' expressed concerns with the proposal's impacts on neighborhood density, parking, and traffic. Thoughts focused on whether the project would fit into the neighborhood, by virtue of its height, bulk and lack of open space. Noise and parking impacts from construction were also addressed.

Development Standard Departures

The applicant requested two departures from the same Land Use Code provision:

1. Street Level Use. Either the first floor of the structure at or above grade shall be at least 4' above sidewalk grade or the street-level façade shall be set back at least 10' from the sidewalk.

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

The Board directed the applicant to create shade and shadow studies in order to assess the impact of the proposed complex on 1) adjacent properties and 2) the open air corridors throughout the site that separate the four major building masses. The Board's consternation focused on the proposed building bulk close to the adjacent L2 zone which would potentially block southern and western sunlight. In turn, the corridors for pedestrian passage between the four major volumes of the proposed complex may also lack adequate light throughout much of the day. (March 17, 2008)

The applicant provided shade and shadow studies as requested by the Design Review Board. These reflected the changes to the north tower and adjustments made to the plaza between the

existing structure and the south tower. The Board did not request additional revisions although the Board noted that shadow studies should have illustrated existing neighboring conditions rather than an imaginary future as depicted by the architect. (June 17, 2008)

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

The Board addressed the proposed structure's southwest corner. Comments focused on whether or not the corner announced the primary residential entry and whether or not a door at the corner into the lounge area was an appropriate gesture. Some of the Board felt that the location of the primary residential entry near the proposed garage entrance was not truly at the corner as directed by the Board at the EDG meeting. At this time, the Board did not request design revisions to the corner. (March 17, 2008)

The applicant revised the drawings to include a door at the southwest corner. The Board welcomed the change. (June 17, 2008)

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

Board members discussed the lack of pedestrian enhancements at the courtyard/driveway on 20th Ave. NE. See Board explanation and recommendations in guideline A-7.

The applicant has not widened the planting strip / sidewalk to the 15 to 16 feet as requested by the Board in its EDG report. The Board did not encourage the further widening or refinements to the 20th Ave. NE planting strip/sidewalk at the initial Recommendation meeting. (March 17, 2008)

See A-7 comments. (June 17, 2008)

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 Board stated its opinion that the mass of the proposed north wing does not create a good relationship with the at the adjacent mobile home community in terms of privacy and outdoor activities. See Guideline B-1 for the Board's recommendation. (March 17, 2008)

See A-7. (June 17, 2008)

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

Due to the close proximity and height of the four major masses that comprise the complex, several of the outdoor corridors separating them appear to be potentially dark and narrow passageways. The Board directed the applicant to resolve these conditions for the next Recommendation meeting. (March 17, 2008)

The applicant widened portions of the corridor between the existing structure and the south tower and added landscaping. The exterior passage between the existing structure and the north tower was eliminated during the revision process in order to move the north tower further from the east property line. Finally, the applicant increased the amount of landscaping in the corridor between the townhouse-like structures and the rest of the south tower. The Board accepted the changes. (June 17, 2008)

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 supported the design and location of vehicular access on NE 85th St. At the initial Recommendation meeting, the Board had not reached consensus on whether to support a curb cut on 20th Ave. NE. See the Board's comments for Guideline D-1. The Board will review this issue again at the next Recommendation meeting. (March 17, 2008)

No vehicles will enter into the courtyard facing 20th Ave. NE. Trash will be wheeled through the courtyard and positioned on a pad between the street and the sidewalk. Discussion focused on whether the pad should be moved to the north alongside the existing metal clad building. No direction was given to change the pad's location. (June 17, 2008)

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.

Discussion focused on whether the design of the southwest corner should be further refined in order to emphasize a corner entry. The Board did not reach a consensus. (March 17, 2008)

The applicant added double doors to the corner and chamfered the corner to allow a large entry area. The Board accepted the revisions. (June 17, 2008)

B. Height, Bulk and Scale

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

The Board recommended that the north wing of the proposed structure be limited to 35 feet in height from grade to the top of the roof. This will create a better transition between the adjacent L2 zone and the larger bulk of the future structure. Terracing the north wing would not likely work due to the narrowness of the area between the east property line and existing building on site. If the applicant were to propose removal of the existing building then the upper floors of the northern most mass of the complex should be terraced as it approaches the adjacent L2 zone.

The Board also discussed the height of the portion of the proposed structure directly behind the townhouses recognizing that this part of the structure is stepped back at the upper levels. The members of the Board did not reach a consensus for a recommendation. (March 17, 2008)

The applicant responded to the Board's direction by shifting the structure to the west positioning it adjacent to the metal building. This change allowed the architect to terrace the three upper floors in a stair step pattern above the 35 foot height. The Board members readily accepted the revisions. (June 17, 2008)

C: Architectural Elements and Materials

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board recommended revisions to the west elevation of the north tower. It needs more articulation and a similar level of attention as the larger west façade of the south tower. Suggestions included varying the ridge line, expressing the green roof, and making the tower more compatible with the south tower. (June 17, 2008)

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

The Board found the monotony of the proposed east elevation design of the north wing an imposing presence upon the adjacent community across the property line. The redesign and reduction in the height of the structure closest to the L2 zone (see B-1) will help achieve a more suitable human scale.

The Board requested elevations of the facades 1) facing the courtyard/driveway, 2) between the existing structure and the north wing and 3) the north wing and the south structure. These facades are quite visible to and potentially imposing upon the residents who will use these passages. (March 17, 2008)

Terracing the upper floors of the north tower should relieve some of the monotony of the proposal's east elevation. Although the massing has changed, the architect did not change the pattern of balconies and columns separating the units. The Board did not request additional revisions. (June 17, 2008)

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

The Board supported the proposed type and use of building materials. (March 17, 2008)

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

No comments addressed the structured parking entrance. (March 17, 2008)

The Board recommended a revision to the walls facing the sloping driveway into the garage. Landscaping or some form of architectural treatment should be used to soften the severity of the concrete structure. Small insets in the wall or an interesting architectural treatment should be considered. (June 17, 2008)

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.

The design of the proposed courtyard/driveway on 20th Ave. NE failed to convince the Board that its intended use as an active pedestrian space would be successful. Board members called attention to its lack of southern exposure as the space would be in shadow most of the time, the likelihood of vehicles parking in the area, and its deleterious impact on the adjacent live/work unit (noise and lack of privacy). The Board recommends widening the space closest to 20th Ave. NE, designing a credible landscape plan with attractive pavers, adding a sophisticated planting plan, and installing creatively designed lighting. The Board asked DPD staff to determine whether life safety issues required the curb cut. (Staff note: access to the sidewalk is fine. A curb cut is not needed for life safety reasons.) The waste and recycling area should either be moved to the garage area or redesigned so that trucks are not an imposition in the passageway. Observing that the driveway/courtyard would be the only truly usable at-grade open space, the Board directed the development team to create a truly pedestrian oriented courtyard. (March 17, 2008)

The revised open space between the existing metal building and the south tower of the complex has evolved into a pedestrian oriented courtyard in response to the Design Review Board's guidance. The design presented to the Board showed a wider courtyard, chamfered corners at the sidewalk, brick pavers within the concrete, and planters. A live-work unit facing the courtyard was replaced with a small, fitness center. The applicant eliminated the curb cut but created a pad for garbage containers to be temporarily stored. Roll up doors from the existing building and the fitness center (in the new building) will face each other providing opportunities for community engagement. The Board welcomed the redesign. (June 17, 2008)

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The Board asked that windows be added to the east façade of the eastern most townhouse. Plans on p. 36 show two windows but they are not represented in elevation. (March 17, 2008)

The plans for the townhouses show windows on the east elevation; however, the elevations inconsistently show the east elevation both with and without windows. The MUP approved design should have windows shown in elevation to comply with the Board wishes. (June 17, 2008)

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 Board recommended that the applicant find a better location for the dumpster area in order to create a more pedestrian oriented area between the existing building and new wings. Since a coffee house or deli could be located in the existing building as proposed by the applicant, additional amenities should be included such as tables, chairs, more planting material and a water feature in the courtyard to enhance its attractiveness. (March 17, 2008)

The redesign of the courtyard includes outdoor furniture and additional plantings. The Board accepted the location of the enclosed trash and recycling room toward the back of the courtyard with only occasional use of the court as a means of access for the dumpsters to the street. (June 17, 2008)

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 Board will review the location and design of signage at the next Recommendation meeting. (March 17, 2008)

Discussion focused on the lighting of the signage along 20th Ave. NE. The developer and the Board agreed that there would not be neon or internally lit signs. (June 17, 2008)

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 Board will review the location and design of lighting at the next Recommendation meeting. (March 17, 2008)

The applicant presented a lighting plan and indicated that low levels of lighting would occur at the site's perimeter. (June 17, 2008)

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 Board asked for changes to the design of the proposed live/work storefronts in order to create more of a commercial appearance rather than a residential one. (March 17, 2008)

No further comments were provided at the meeting. (June 17, 2008)

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.

Significant refinements should be made to the driveway/courtyard area as it provides an important transition between the street and the many of the units. See the comments from the following guidelines: A-4, A-7, A-8, D-1 and D-6.

Townhouse Unit A should be aligned with units B or C in order to create a wider streetscape and better conform to the Land Use Code standard 23.47A.008D. (March 17, 2008)

See Guideline D-1 and D-6 for the Board's response to the courtyard area.

A revision to the plan aligned Townhouse Unit A with Units B and C. The Board accepted the revision. (June 17, 2008)

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.

The landscaped spaces between the proposed structure and the adjacent properties appear narrow and modestly landscaped. The Board recommends larger plantings at installation and fences at the property lines. Perspective drawings for the next Recommendation meeting should show the structures (including existing ones) both on and off the site in order to convey what these spaces will look like. (March 17, 2008)

The revised design illustrated increased amounts of landscaping along the site's east perimeter and the future installation of a fence at the property lines. (June 17, 2008)

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 architect stated that a green screen would be placed on the 20th Ave. NE façade of the existing building. This was not shown in the presentation drawings at the initial Recommendation meeting. (March 17, 2008)

The revised drawings depicted a green screen along the west façade of the existing metal clad building. (June 17, 2008)

Board Recommendations: The recommendations summarized below were based on the plans submitted at the March 17, 2008 and June 16, 2008 meetings. 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 17, 2008 and June 16, 2008 public meetings. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three 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	JUSTIFICATION	RECOMMENDATION
1. Street Level Use. SMC 23.47A.008D	Either the first floor of the structure at or above grade shall be at least 4' above sidewalk grade or the street-level façade shall be set back at least 10' from the sidewalk.	Townhouses on NE 85 th St. Unit 101: 9'4 1/2" setback from sidewalk and 1'9" vertical above grade. Unit 102: 7'4" setback and 1'3" vertical. Unit #103: 7'4" setback and 9" vertical. Unit #104: 5'4-1/2" setback at 11",	Unit A has been pulled back from the street and aligned with the other townhouse units.	Approval.
2. Street Level Use. SMC 23.47A.008D	Either the first floor of the structure at or above grade shall be at least 4' above sidewalk grade or the street-level façade shall be set back at least 10' from the sidewalk.	Residential lounge is proposed to be 8' from property line.	The design has a small exterior entry plaza and door to the resident's lounge at the southwest corner of the building.	Approval.

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

1. Add landscaping or an architectural treatment to the walls facing the sloping garage driveway in order to soften the severity of the concrete structure. (C-5)
2. Add windows to the east elevation of Townhouse Unit C. (D-2)
3. Add articulation to the west façade of the north tower in order to create a greater consistency with the west façade of the south tower. The Board suggested varying the ridge line, expressing the green roof, and adding greater articulation to the architectural elements to the tower. (C-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 three 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's agent (dated March 31, 2006 and revised August 16, 2007) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

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, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building 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 these 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.

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 protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

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

Air Quality

Construction is expected to temporarily add particulates to the air and 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 building.

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.

The applicant received an exemption from the steep slope area on the site.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 16 feet and will consist of an estimated 21,900 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. 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 project is proposed to last approximately 16 months. 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 2,190 round trips with 10-yard hauling trucks or 1,095 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

The site has ready access to I-5, approximately one mile away to the furthest point, via primary arterials that are anticipated to have minor impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; 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, historic preservation, and traffic and parking impacts 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 Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that the proposed project would generate approximately 1,006 new off-site trips per weekday, with 85 trips occurring during the weekday AM peak hour, and 66 occurring during the weekday PM peak hour.

The new trips added to the p.m. peak hour traffic only slightly affect the Level of Service on nearby intersections. The project will not seriously affect operations of the nearby intersections, so no SEPA mitigation of traffic impacts to the intersections is warranted.

Parking

The proposed four levels of below grade parking would house a 167 parking stalls which exceed Land Use Code requirements. A parking demand analysis for the proposed project was conducted to determine how closely the proposed number of parking spaces would match the anticipated parking demand. Based on ITE Parking Generation, 157 parking spaces and 148 spaces will be needed to satisfy the development generated parking demand during the weekday and the weekend respectively. The 167 parking stalls on-site will be adequate to meet demand.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Add landscaping or an architectural treatment to the walls facing the sloping garage driveway in order to soften the severity of the concrete structure.
2. Add windows to the east elevation of Townhouse Unit C.
3. Add articulation to the west façade of the north tower in order to create a greater consistency with the west façade of the south tower. The Board suggested varying the ridge line, expressing the green roof, and adding greater articulation to the architectural elements to the tower.

During Construction

4. 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.

Non-Appealable Conditions

5. 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 P. Rips, 615-1392). 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.
6. 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, 615-1392), 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.

7. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

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

8. The owner(s) and/or responsible party(s) shall submit a Truck Trip Plan to be approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

During Construction

9. 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.
10. 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.
11. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
12. 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.

Signature: _____ (signature on file) Date: July 31, 2008

Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development

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