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:	3004084
Applicant Name:	Steve Lampert, Nicholson Kovalchick Architects, for Steve Nugent, developer
Address of Proposal:	2310 California Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application for future construction of a 4-story, 12 unit apartment building with 1,500 square feet of retail/commercial at street level. Parking for 12 vehicles will be provided at grade within the structure, accessed from the alley to the west. The proposal includes the demolition of two existing commercial buildings on site.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

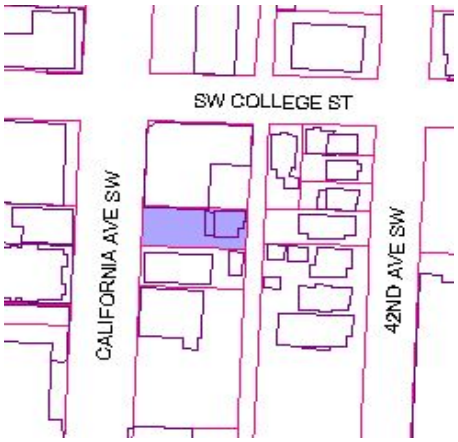
SEPA – Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

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

[X] DNS with conditions

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

BACKGROUND DATA



The project site lies within the block that lies between SW Admiral Way and SW College Street, abutting onto California Avenue SW and onto the mid-block alley that runs north and south between SW Admiral Way and SW College Street. North of the site are a couple of single-story commercial buildings. Directly south of the site is an older 3-story, brick residential structure and a newer 4-story

assisted living residential building. The vicinity is characterized by this pattern of lower, older commercial buildings with an admixture of 4-story residential and mixed-use buildings of more recent vintage.

The site is zoned NC2- 40 and sits within the ribbon of similar zoning that stretches north and south along California Avenue SW. The lots directly east of the site across the alley which face onto 42nd Avenue SW and extend north to SW College Street are zoned L-3.

The rectangular site extends 125 feet between the street and the alley to the east and measures approximately 50 feet in the north-south direction. Currently there are two structures on site. A small (225 sq. ft.) 1-story structure sits at the northwest corner of the site, while a larger (900 sq. ft.) 2-story, commercial building serving as a dog-care facility sits at the rear of the site and abuts the alley. The site is essential flat. The property is located within the Admiral Residential Urban Village, is identified as lying within the "core commercial area" of the Residential Urban Village and is subject to the *Admiral Residential Urban Village Design Review Guidelines.*

In their Early Design Guidance application and at the Early Design Guidance meeting held on August 10, 2006, the applicant proposed a four story building with retail commercial space at street level and 12 residential units. In each of three conceptual schemes presented, parking for up to 18 vehicles was to be provided within the structure below and at grade and accessed from the alley on the east property line. The Master Use Permit application submitted in October of 2006 proposed a building with 12 residential units, 1,500 square feet of ground floor commercial space and parking for 12 vehicles. Throughout the Design Review process the design of the proposed structure was presented by Terry Williams of Thienes/Williams Architects. The final design for this proposal is that presented by Steve Lampert of Nicholson Kovalchick Architects. DPD has determined that the design remains essentially unchanged from that presented to and approved by the Design Review Board and any minor alterations in the final design are not significant enough to require a return to the Board for their recommendation of approval.

Public Comments

Public comment was invited at the initial Master Use Permit application notice and at the Design Review public meetings. Two written comments were received by DPD during the comment period following upon notice of the project. One expressed concern with the amount of traffic already present on the alley east of the project; the other pointed out the on-street parking demand occasioned by the presence of the nearby Public Library. The latter comment indicated there was no objection to the proposed development as long as adequate parking was provided on site. Public comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

DESIGN REVIEW

Early Design Guidance

At a regularly scheduled meeting of the Design Review Board for West Seattle, held on August 10, 2006, and attended by all five Board members, the applicant's architect presented alternative and a preferred conceptual proposal for development on the site described above.

ARCHITECT'S PRESENTATION

The intended development, as explained by the developer and architect, would provide both housing and retail space on a currently underused lot in the heart of the Admiral Business district. The conceptual plan called for the mass of the structure to be pulled to California Avenue SW and away from the alley. The intention was to design a building that fit into the established architectural character of the neighborhood, and to provide for a quality pedestrian experience along the street, enhancing the existing streetscape experience already established in the business district. The architect discussed three massing alternatives for the site, varying primarily in the amount of upper-level massing that pressed toward the street. Each of the options presented significant deck areas above the ground-floor retail space aligned with the sidewalk on California Avenue SW so that there was a significant erosion of the upper mass of the proposed building at the alley edge.

PUBLIC COMMENT

Three members of the public signed in as parties of record at the Early Design Guidance public meeting. In general, the members of the public who addressed the Board expressed approval of the proposal. One person commented that they believed that the cornices shown in all three massing studies were "too boxy" and proportionately "too heavy" for the project. Another noted that decks were not a usual feature in the vicinity and seemed out of place. The open space was thought to be better provided in the form of a roof deck, allowing for the upper levels to fit more snugly against the front property line, providing for a better urban form. A third comment related to the need to provide for well-designed and well-integrated landscaping along the building's front sidewalk which might set a precedent and example for new development in the neighborhood.

PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board Members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Multifamily and Commercial Buildings"* of highest priority to this project.

In making their presentation, the design team had identified those guidelines in the Citywide (A-5, C-2, C-3 and C-4) and specific "Admiral Residential Urban Village Design Guidelines" (A-2, A-3, A-4, B-1, C-1, D-6) they believed to have particular application for this proposal. The Board concurred, but noted that that additional guideline (A-7, C-2, D-1, E-1, and E-2) needed to be specified as also of highest importance for the success of the project.

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

The applicant had identified this guideline as being of highest priority for the project and had noted the response strategy of moving the massing of the building to the west. But all three massing alternatives showed portions of the street-level commercial spaces held back from the sidewalk as well as large upper-level residential decks that withheld the upper façade from the street. The Board was generally in agreement that pulling portions of the building back at

sidewalk level gave an opportunity for an expanded sidewalk and enhanced pedestrian experience. The erosion of the corners at this level, however, might create a discontinuous street front, undesirable in a neighborhood commercial block, and the applicant was urged to return with a thoughtful design demonstrating how the eroded street-level corners could work. Members of the Board were intrigued by the emphasis on a strong central element within the upper front facade, whether rectilinear with a deck on the top floor, or curved as shown on option "C," but expressed less agreement concerning the proposed deck areas on either side of the central element. The applicant was directed to develop both a street-level and upper façade that would maintain a strong sense of balance (both compositionally and conceptually) dealing with issues that had been raised regarding "mainstreet" appropriateness of the various elements. The Board requested to see at the next meeting studies of the front façade both with and without balconies.

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

The applicants again identified this as a guideline of highest priority in their own considerations. The Board agreed without direct further discussion, except for the comments made under A-2 above regarding the relationship of the street-level façade to the street. They affirmed the proposed overhead weather protection all along the facade and the need for quality in retail level and residential entry design.

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

This was identified by the development team and seconded by the Board as being of highest importance for the success of the project, but without specific further comment or elaboration.

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.

This guideline was included by the applicants in their list and cited by the Board as being of highest priority, although without specific guidance.

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

The applicant's proposal showed the open space provided on a roof deck as well as on individual decks for residential units. Although the appropriateness of the decks on the front façade had been questioned by some members of the Board, some variety and a balance between roof-deck and individual unit decks for the entire structure was encouraged.

C-1 Architectural Context. There is an established scale within the Admiral Residential Urban Village, characterized by one-to-three story structures [from which new development can take architectural clues].

This was cited by the applicants as being a guideline of highest priority. Regarding the decorative cornices, the Board generally echoed the public comments that the cornices needed to be toned down from what was shown and possibly needed to be eliminated from the side and rear facades.

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 the success of the proposed building depended upon careful detailing and massing. The Board indicated that the building should provide clear visual clues to the two different entrances.

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

The concentration of architectural details will be on the California Avenue SW side, but at least one Board member indicated that special scrutiny would be applied to the alley façade as well. A particular challenge of this project is connecting the upper-level residential portion of the structure with the street-level retail base and sidewalk realm.

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 was not prescriptive regarding materials, but noted that the perceived character of the neighborhood was partially attributable to a number of older buildings noted for their durability and attractiveness of materials and for the fine detailing of their finishes, including decorative cornices (see photos, for example, under C-1, *Admiral Residential Urban Village Design Guidelines*). Architectural materials and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses.

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 sufficient lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Each of the three massing alternatives had shown portions of the street-level commercial spaces held back from the current inside sidewalk edge and providing for an extended sidewalk space. The Board was in agreement that pulling portions of the building back at sidewalk level gave an opportunity for an expanded sidewalk and enhanced pedestrian experience. But the erosion of the corners to allow for this extended space, it was pointed out, could have a deleterious effect, creating a discontinuous street front that would be undesirable if not designed in coordination with commercial storefronts on

either side of the project. As noted earlier, the applicant was urged to return with design studies demonstrating how the eroded street-level corners could be made to **work.**

D-6 Screening of Dumpsters, Utilities and Service Areas. [These should be] located away from the street front and screened from view.

The Board noted this guideline to be of highest importance but without specific or further comment.

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

The Board indicated that this was a guideline of highest priority for the project, without further elaboration.

DEPARTURES

Each of the presented schemes would require a departure from the requirement that the residential portion of the structure above 13 feet would cover no more than 64 percent of the lot. These departures ranged from 74.89% to 76.86% of the lot in residential coverage.

The Board indicated their willingness to entertain the request for departures provided the design development responded to the above guidelines and the guidance given.

Recommendation Meeting

Following a period of design development, the applicant applied for a Master Use Permit on June 20, 2007. A Recommendation Meeting of the Design Review Board was held on August 9, 2007.

Architect's Presentation

Terry Williams, the project architect, presented a building that generally was in keeping with the conceptual design presented at the earlier EDG meeting held on August 10, 2006. The intended development would provide approximately 1500 square feet of ground floor retail/commercial space along California Avenue SW with parking at grade behind, with access from the alley. Each of the three floors above would contain four residential units. One significant change from the earlier conceptual design was a reduction in proposed parking from 18 to 12 vehicles. The mass of the building would be pushed up to the street with the upper, residential floors set back a sizeable distance from the alley. A substantial portion of the front façade, the entire street level and the central portion of the next two floors above, was faced in brick. There were no requests for departures from development standards on the part of the development team.

PUBLIC COMMENT

Three members of the public signed in as parties of record at the Early Design Guidance public meeting. Members of the public who addressed the Board expressed general approval of the proposal as presented.

Board's Deliberations

After hearing the presentation and soliciting public comment, the board was in general agreement that the design as presented responded thoughtfully to the Guidelines the Board had earlier indicated to be of highest priority for the project. The proposed structure had a modestly elegant presence on the street. The differentiation between the residential and retail entrances at either edge of the ground-floor façade, though slight, was clear and emphatic. The small decks at the corners of the units on the second and third floors, a subject of some discussion at the Early Design Guidance meeting, were thought successful since they were well contained within the box formed by the front brick façade.

The four members of the Board recommended unanimous approval of the design, provided the applicant, in working with the DPD Land Use Planner, makes the following changes in the design, which changes were to be made and approved by DPD prior to publication of the MUP decision:

- Extend the brick up the sides of the two balconies on each side of the front structure to reinforce the perception of the box into which these spaces were carved.
- Reverse the materials on the two sides of the structure so that the larger fields were faced with a honed-face CMU with the narrow belt courses done in the, lighter colored, more rusticated, split-face CMU.
- Provide a more-integrated design to the planter at the street-level, street-facing façade to provide for adequate sidewalk width as well as for landscaping and seating opportunities.
- Provide decks overlooking the alley for the second floor units on the roof of the parking garage.

Staff noted that the trellises proposed for the roof deck would be considered by the Land Use Code as structures and would exceed the height limit of the zone. The applicant agreed to redesign the roof garden so as to provide a successful environment, absent the trellises which did not conform to the height restrictions.

Subsequent to the Recommendation meeting held on August 9, 2007, the architect presented to DPD revised drawings, addressing each of the issues that had been of concern to the Board, as enumerated above. In the Department's estimation these design changes met the intent and the specifics of the Board's qualifications and no further special conditioning were deemed necessary.

Review under the New Commercial Code

City Council enacted a revised Code for commercial development which became effective on January 15, 2007. The applicant chose to make minor accommodations to the proposal and comply with the requirements of the revised Commercial Code. Revised MUP plans were subsequently submitted to the Department.

While the design of the building did not change substantially, the new Commercial Code eliminated the need for departures from Open Space and upper-level residential coverage requirements. With other design modifications no departures from development standards were required and none were requested by the applicant.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the four Design Review Board members present at the Design Review recommendation meeting on August 9, 2007 and finds that they are consistent with the ***City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings.*** Therefore, the proposed design is **approved** as presented at the August 9, 2007 Design Review Board meeting and with the minor modifications subsequently made to the plans following the change in architectural firms.

ANALYSIS - SEPA

This analysis relies on the SEPA checklist submitted by the applicant on June 20, 2007. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

Short-Term Impacts

Construction-Related Impacts

Demolition and Excavation

Demolition of the existing structures on site and excavation of impervious surface and earth on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site

for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of any contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

A drainage control plan, including a temporary, erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation review will be required by the Seattle Department of Transportation (SDOT) prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Traffic

Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. Staging of trucks in immediate site proximity during demolition, any excavation and concrete pouring has the potential for localized traffic disruptions. It is expected that existing regulatory authority in place with SDOT would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

There is a public sidewalk that abuts the proposal site on California Avenue SW. Since the surrounding streets provide regular pathways for pedestrians, especially for those who reside in the area, predictable paths of pedestrian travel should be maintained. The California Avenue SW sidewalk along the project site should generally be kept open and safely passable throughout the construction period. Sidewalk modifications and closures will need to be closely coordinated with the impact on pedestrian wayfinding. Any case for the need for the temporary closure of the sidewalk fronting the site or the alley behind the site will be disclosed for SDOT review and approval.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of adjacent and nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not

conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00 a.m. to 6:00 p.m. Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day).

Air Quality

Demolition and construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

Long-Term Impacts — Use-Related Impacts

Land Use

The proposed project, with its right-of-way improvements, street-level non-residential uses, entries along sidewalks, and residential use is consistent with the City of Seattle Comprehensive Plan (1994, 2005).

Traffic and Parking

Peak hour trips are expected to occur during the typical AM and PM peak periods for the adjacent roadway system (8-9 a.m. and 5-6 p.m.). The addition of the project traffic is not expected to result in any appreciable impacts on nearby intersections. Vehicular access to and from the site would be from the north-south alley that abuts the site at its eastern property line and that connects to SW College Street and SW Admiral Way. Code required parking for 12 vehicles will be provided on site. The project would result in a small increase in site-generated traffic. The project is not expected to adversely affect traffic, operations, safety, transit, or non-motorized transportation facilities. The project is also not expected to adversely impact parking conditions in the vicinity. No further mitigation under SEPA authority seems warranted.

DECISION-STATE ENVIRONMENTAL POLICY ACT

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

CONDITIONS – SEPA

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit to DPD a copy of the PSCAA notice of construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. 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.

2. The applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. and 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, and Veteran's Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.

NON-APPEALABLE CONDITIONS-DESIGN REVIEW

Prior to Issuance of Certificate of Occupancy

3. Construct a building with siting, materials and architectural details substantially the same as those presented at the August 20, 2007 Design Review Board meeting and subsequently revised with DPD approval, as incorporated in the revised MUP plans of February 19, 2008.

Signature: (signature on file) Date: March 13, 2008
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:bg

I:\DorcyM\Design Review\Decision 3004084.doc