



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

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

**Application Number:** 3004399/2408942

**Address:** 12544 – 15<sup>th</sup> Ave. N.E.

**Applicant Name** Dale Johnson, Architect for Anthlon, LLC

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four story building with 36 residential units, one live work unit and 2,500 sq. ft. of ground floor, customer service office. Parking for 55 vehicles to be provided within the structure.

The following approvals are required:

**Design Review** – Chapter 23.41, Seattle Municipal Code (SMC).

**SEPA** – Environmental Determination pursuant to Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS  EIS

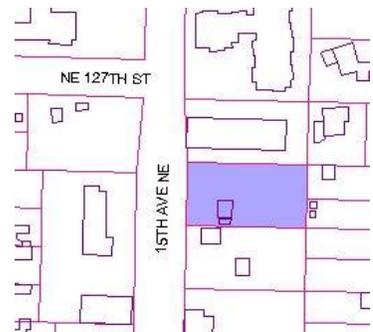
DNS with conditions

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

**BACKGROUND DATA**

Site and Vicinity

The proposal site is a nearly flat, vacant parcel in the Northgate neighborhood of Seattle 100 feet wide (north/south) and 182 feet deep. The site is zoned NC3-40 with a Northgate Overlay designation. Adjacent to the north is an older, three-story brick apartment building. To the south is a five-story mixed use building built in recent years. To the east, at mid block the zoning changes to SF 7200 and development is with single family houses with large, wooded rear yards.



Proposal Description

The proposed project is a four story, mixed use building with 36 residential units on levels two through four. Level one would have two commercial spaces and a garage entry along the front façade, a live work unit in the south east corner (to the rear of the site) and parking within the structure for 55 vehicles. The empty, level site in northeast Seattle zoned NC2-40'. To the south is a recently built mixed-use building. To the north is an older apartment building. To the rear are deep rear lots of single family houses facing 17<sup>th</sup> Ave. N.E. The development site is 100 feet wide along 15<sup>th</sup> Ave. N.E. and 182 feet deep. There is no alley.



**DESIGN REVIEW BOARD – DESIGN 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*” and in the “*Northgate Neighborhood Design Guidelines*” of highest priority to this project. The identified priorities were agreed to by all four of the Board members present, unless otherwise noted. While the notes below indicate the area the Board found most important, all of the Guidelines for Multifamily and Commercial Buildings continue to be applicable.

## **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 features.**

Alternative designs presented at the meeting investigated putting the driveway at the north end of the building or at the southern end. The Board directed the northern driveway be used as it places the driveway in a place of compatibility near the property to the north and because this configuration allows the code prescribed open space to be located contiguous to the open space provided for the building to the south.

The Board would likely approve a departure to lessen the building set back from the street somewhat. The setback is necessary to incorporate landscaped and usable open space as required by SMC 23.71.014 (10% of lot area). The Board would entertain this departure in order to move the non-residential use into closer contact with the sidewalk.

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

The existing mixed use building to the south presents a context to work within. The landscaped open space should be transitioned to, but, not mimicked. The extensive articulation of this southern building presents a good context to respond to.

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

Entrances, both residential and non-residential should be visible from the street and sidewalk. The presence of landscaped area in front of the non-residential use means the design will have to incorporate that space into an announcement of the entrances in a way that works.

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

The open space proposed between the building and the sidewalk should be designed so as to be an inviting space, of some value to the residents and non-residential users of the site. At the same time, based upon the comment received from neighboring residents, the open space should not provide an attractive sleeping space as such spaces in the area tend to be used by persons with no connection to the private properties.

**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.**

Respect for adjacent sites is important on all three adjacent sites. To the east are back yards of single family structures. To the north are windows of an apartment building. To the south are the windows of a newer mixed use building. The Board approves of the code-required setbacks from the rear (east) property line and calls for landscaping to provide further privacy screening. To the south some amount of set back of the residential uses is desirable as well as landscaping. To the north the most appropriate treatment may be to locate windows and uses so as to limit visual connections.

### **C. Architectural Elements and Material**

- C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

Architectural Concept and Consistency should be accomplished using a good deal of building form, articulation and landscaping which work together. Building entries are to be identifiable as are any walks to them though landscaped areas. The utility area shown on drawings at the meeting should be worked on a bit more. It could be rounded to soften the expression. The driveway opening needs to be designed to lessen the “canyon affect” it creates. Office spaces at grade tend to have windows with drawn blinds. The landscaped area in front of the office area should be designed to provide encouragement for the window shades to be kept open by providing both an attractive outlook and enough privacy from the sidewalk realm.

- 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.**

Exterior finish materials must be durable and attractive. Masonry is called for at the base. Alternatives to stucco finish on the upper levels shall be explored.

### **D. Pedestrian Environment**

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

The pedestrian environment is of particular importance here where a good sized landscaped open space must be safe, attractive, functional and still provide access to the building. The open space must be lively and pedestrian oriented. Attractive, convenient access to the building’s entries must be included.

### **E. Landscaping**

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites - Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**
- E-2 Landscaping to Enhance the Building and/or Site - Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

Landscaping should reinforce the character of the neighboring property to the south as well as that of the new building and subject site.

### **DESIGN REVIEW BOARD – RECOMMENDATION**

The applicant applied for a Master Use Permit with a Design Review component on or about February 14, 2006. On April 7, 2006 the Design Review Board convened for a Public Meeting regarding this project. At this meeting site, floor and elevation plans of the proposed mixed-use building were presented along with colored elevation boards of the proposed building.

A second Recommendation Meeting was held on October 3, 2006 as the Board was not ready to make a recommendation at the April 7, 2006 meeting. Floor and elevation plans of the proposed mixed-use building were presented along with colored elevation boards of the proposed building were again presented of a proposed development modified in response to comments made by the Board at the prior meeting.

In the latest design many changes were made. The overall expression was simplified. Two parapet lines were merged into one. The pattern of windows on the street elevation was simplified and all the windows are similar, two part expressions. The color scheme was simplified from three to two colors. The dumpster area in front of the garage at the north property line was moved back into the building so it no longer sticks out from the façade and a planter was placed in front of it. Color was incorporated to accent the building with recessed areas in a darker accent color. Brick was raised to the second floor window head line to better express a base for the building. More landscaped area was added in front of the dumpster area and along the walkway along the southern side of the building. The step back of the front façade in its' southern area was moved forward, as the Board requested, making the amenity open space smaller (and necessitating a departure from the Northgate amenity requirement) while increasing the connection between the commercial area and the street. The metal roof over a portion of the first story along the south property line was redesigned by making it smaller, incorporating a hip roof line and a landscaped deck area. Along the eastern setback, contiguous with single family uses, are columnar trees, 16' on center with the building set back 15 feet from the property line.

### **PUBLIC COMMENT**

Public comment came almost entirely from residents of the condominium adjacent to the south of the proposal site and was fairly extensive. Enclosed parking, as proposed by the applicant at the meeting, was endorsed. Modulation and setbacks along the south property line were identified as being of importance. Past experiences with ground level public open space in front of the adjacent building were described as being of little value to residents, unused by pedestrians and attractive to transients. The incorporation of benches into new public open space was discouraged. "Classic" architecture relating well to the newer building to the south was said to be appropriate. Consideration of how the two buildings engage at the ground level was requested. A resident of a single family structure to the east expressed concern that extensive balconies facing east, if present, might encourage parties and disrupt the privacy of residents to the east. Building articulation, good landscaping and respect for privacy of adjacent sites were also three areas of concern.

A single commenter was heard at the second recommendation meeting who expressed support for the project; especially the reworked metal roof and the landscaping on the south side, which she would see from her residence.

A single written comment was received requesting the building provide adequate parking for both tenants and guests.

### **RECOMMENDATIONS:**

At these second Recommendation Meeting building plans, elevations and color schemes revised in response to the April 2006 meeting were presented. The Board Members recommended approval of the project design with some conditions to be incorporated into the project. They also recommended approval of three development standard departures enumerated below. Recommendations were made by all Board Members present unless otherwise indicated.

The metal awnings over the building entry areas, which show on elevations, but not in plan, should be incorporated into the project.

The building expressions on the front façade which are grey, windowless areas rising to the highest elevation of the façade should be entirely of their chosen color, without contrasting lighter trim.

Of the three color schemes presented the Board liked scheme one the most, particularly liking the nicely saturated brick color.

The north wall was found to need additional treatment to limit blankness. Vine pockets should be incorporated at ground level sufficient to plant Boston ivy or climbing hydrangeas.

Lighting should be incorporated into the path along the south side.

Lighting should be designed into the front façade so as to light up some of the brick areas, canopies and to display the textures of the materials used. Light sconces should be added to the front of the building at appropriate entry points.

The commercial area should have its entry directly through the front, west wall and not from the interior of the building.

### **Recommended Development Standard Departures**

1. The amount of required landscaped open space required by the Northgate Overlay section of the Seattle Land Use Code (SMC 23.71.014) shall be reduced by 30% from the requirement of 10% of lot area.
2. The maximum building width limit imposed by SMC 23.71.036 is waived.
3. The code required driveway width is reduced to 18 feet.

### Design Review Conditions

1. The building expressions on the front façade which are grey, windowless areas rising to the highest elevation of the façade shall be entirely of their chosen color, without contrasting lighter trim.
2. Color Scheme One, with saturated brick color, shall be incorporated into the building.
3. The north wall was found to need additional treatment to limit blankness. Vine pockets shall be incorporated at ground level sufficient to plant Boston ivy or climbing hydrangeas.
4. Security lighting shall be incorporated into the path along the south side.
5. Architectural lighting shall be designed into the front façade to light up some of the brick areas, canopies and to display the textures of the materials used. Light sconces shall be added to the front of the building at appropriate entry points.
6. The commercial area main entry shall be directly through the front, west wall and not from the interior of the building.

### **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

The Director has analyzed the Board's recommendations pursuant to SMC 23.41.014.F.3. Based on the rationale provided in the foregoing discussion and review matrix, the Director agrees with the findings and recommendations of the Board concerning the project.

### **DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED** and the **DEVELOPMENT STANDARD DEPARTURES** described above are **GRANTED**.

### **ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed Project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required 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 regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for specific elements 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 pertinent part that “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, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

## **ENVIRONMENTAL IMPACTS**

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the Project. The potential environmental impacts disclosed by the environmental checklist and the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

### *Short-Term Impacts*

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances. Specifically these include the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### *Traffic and Parking*

Traffic during some phases of construction, such as excavation and concrete pouring, will be expected to cause some disruption of traffic past the site. Use of the street for construction purposes and the limitation of on-street parking is reviewed and permitted by SDOT. It is expected that this process at SDOT will insure impacts are sufficiently limited so that no mitigation of traffic or parking impacts through SEPA policy authority is warranted.

### Air Quality

Construction activities associated with the Project could generate temporary, localized increases in ambient concentrations of suspended particulates, including fugitive dust and vehicular emissions. While adverse, these impacts are expected to be temporary in nature and largely controlled by existing laws and regulations. Dust is expected to be controlled by provisions of the Seattle Stormwater, Drainage and Grading Code and by the Seattle Street Use Code. Vehicular emissions are regulated by the Puget Sound Clean Air Agency.

### Noise

The proposal site is located adjacent to a downtown/commercial area where construction of this scale could impact the noise levels. Several residential buildings exist abutting the property and in the nearby vicinity. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction which involve excavation, concrete pouring, steel erection or framing carpentry to between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and from 9:00 A.M. and 5:00 P.M. on Saturdays.

### Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of mixed use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below.

### Height, Bulk, and Scale

The height, bulk and scale measures were addressed in the MUP and Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675, a Project that is approved pursuant to the Design Review process shall be presumed to comply with the height, bulk and scale policies. There is no clear and convincing evidence that height bulk and scale impacts documented in the environmental review have not been adequately addressed. The proposed building scheme has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

### Transportation

Minor traffic impacts are to be expected from the proposed. The Environmental Checklist does not provide an estimate of vehicular trips generated by the project. Trip Generation, a text by the Institute of Transportation Engineers, provides survey based estimates of traffic generation for specific uses. For apartment units data is available for the a.m. and p.m. peak hour of on street traffic which predicts the 36 units plus one live/work unit would generate 19 trips in the a.m. and 23 trips in the p.m. peak traffic hours. The 2,500 sq. ft. of office space is similarly predicted to generate between two and three trip in the a.m. and a similar amount in the p.m. peak hours of traffic generated by the use itself. These amounts of traffic are expected to be well within the capacity of the surrounding streets to absorb and no SEPA policy based conditioning is found to be warranted.

### Parking

The proposal included parking for 55 vehicles. The Seattle Land Use Code does not require parking for the first 2,500 sq. ft. of most commercial uses, including offices. Some parking demand is expected to be generated by the 1,500 sq. ft. of office use which would be met by on-street parking or by a day time use of some of the residential parking in the building. The 55 parking spaces provided for 36 residential units and one live/work unit results in a ratio of 1.48 spaces per residence. This ratio of parking spaces has in DPD experience proved to be an adequate supply of parking in multi-family buildings with little or no spill over or residential parking. No SEPA conditioning of parking impacts 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 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).

Based on the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

### **SEPA CONDITIONS**

#### Prior to Issuance of a Construction Permit

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

None.

### 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. 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. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit periods of construction which involves excavation, concrete pouring, steel erection or framing carpentry to between 7:30 A.M. and 6:00 P.M. on weekdays and to between 9:00 A.M. and 5:00 P.M. on Saturdays.

The Department recognizes there may be occasions when critical construction activities on a critical nature, related to safety or traffic or construction process issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions. Such work must be approved by the Department on a case-by-case basis prior to it taking place.

### **CONDITIONS - DESIGN REVIEW**

#### Prior to Issuance of the Master Use Permit

2. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

#### Prior to Certificate of Occupancy

3. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on October 3, 2006.
4. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, [scott.kemp@seattle.gov](mailto:scott.kemp@seattle.gov)). 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.
5. 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, 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.

