



City of Seattle
 Gregory J. Nickels, Mayor

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

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

Application Number: 3005238
Applicant Name: Kate Suski for WRP Associates
Address of Proposal: 801 East Thomas Street

SUMMARY OF PROPOSED ACTION

Land Use Application for a 7-story building containing 2,250 sq. ft. of retail at ground level and 45 residential units above. Parking for 45 vehicles to be provided at and below grade. Project includes 5,300 cu. yds. of grading.

The following Master Use Permit components are required:

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

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

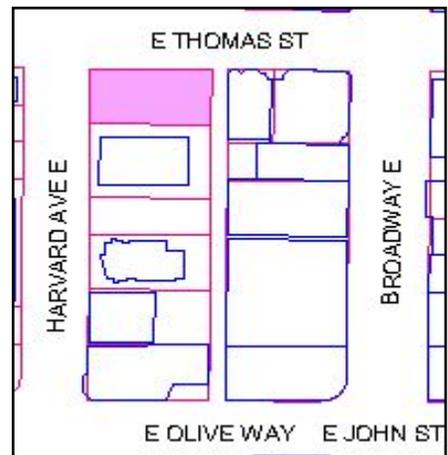
SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS
 [X] DNS with conditions*
 [] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

*Notice of early DNS was published April 5, 2007.

BACKGROUND DATA

Site & Vicinity Description

The 7,200 sf. site is located on a corner lot defined, one block west of Broadway's commercial corridor. The property is currently a surface parking lot bordered by an alley to the east, East Thomas Street to the north and Harvard Avenue East to the west. The site is zoned Midrise with a Residential Commercial overlay (MR-RC) with a 60-foot height limit. The site lies within the Capitol Hill Urban Village Commercial Zone Overlay (that



has its own set of Neighborhood Guidelines), as well as a Light Rail Station Overlay.

Many of the surrounding properties are zoned NC3/R-40 with a 65' height limit for housing over 40'. Across the alley to the east and across the street to the north, the zone changes to a Neighborhood Commercial (NC3-40) zone. To the west and south, the Midrise with a Residential Commercial overlay (MR-RC) continues. Adjacent uses consist of large multifamily residential buildings and a few single family houses to the north, west and south.

Proposal

The proposal includes the construction of seven story building with 2,250 sq. ft. of ground level administrative office spaces and 45 residential units with below grade parking for 45 stalls. Access is from the alley.

Public Comments

Approximately four members of the public attended the Early Design Guidance meeting held on July 19, 2006. They offered the following comments:

- Traffic at this intersection is busy and a traffic circle should be installed.
- Clarification of the R/C overlay designation.
- Concern that dumpsters on the alley create security issues. Therefore, prefer to not have dumpsters located on the alley. The Broadway Business Improvement Association has made efforts to get dumpsters out of the alleys in this neighborhood. [Note: proposed building would accommodate all dumpsters within the building.]
- Prefer vehicle access from Harvard, rather than the alley, given that the alley is difficult to navigate and pulling on to Harvard will be problematic when the traffic backs up from Broadway.
- Emphasized that this is a residential neighborhood and that the proposed building should appear residential in design and not be dominated by garage doors and vehicular activity.
- Encourage commercial office space be located on the ground level; the Broadway neighborhood is currently deficient in smaller office uses that cater to the community, such as a law office or small architecture firm.
- Object to locating the open space above grade because it precludes the community from enjoying the landscaping. Reducing the required setbacks therefore seems less justified.
- Would like utilities to be underground.
- Prefer alley access because of the loss of several on-street parking spaces, as well as the surface parking lot that currently exists on site.
- Clarification of unit size and cost. [Market rate units range in size from 400 SF-600 SF.]

Approximately two members of the public attended the Final Recommendation meeting held on August 1, 2007. The following comments were offered:

- Neighbor across the street wants assurance that the building will not be shrouded to replace the siding in the future.
- Clarify the height of the retail space [16'] and the height of the residential floors [8'9"].
- Concern that outdoor seating would become a noise generator.

- Suggested that a gate along the south stairwell would be a helpful security measure. Concern with loitering in spaces that are sheltered or screened by dense landscaping.
- Likes tall trees.
- Clarify that leaf debris is the responsibility of the adjacent property owner to clean.

Four comment letters were received during the SEPA comment period for this proposal that ended on April 18, 2007. The following comments were offered:

- The loss of parking will be missed by surrounding businesses.
- Support for the proposed secured enclosure of the driveway.
- Opposed to the loss of the existing vegetation around the site's perimeter, especially trees and bird habitat. Also opposed to the creation of unaffordable housing that is unattractive and the elimination of parking spaces.
- Clarification of the departure requests, open space provisions and opposed to project scale.

ANALYSIS - DESIGN REVIEW

Design Guidance

Three schemes were presented at the Early Design Guidance meeting. All of the options include below grade parking. The first scheme (Option A) proposes a rectangular-shaped building that maximizes the site and includes a vertical notch midway along the north facade. The residential entries would be from Harvard Avenue. No departures would be needed for this alternative.

The second alternative (Option B) proposes a more modulated building, with recessed notches at the corners and a setback area along the south property line above the ground floor. The main residential entry would likely be from Harvard. The design locates the building on the property line in two areas of the front elevation then step back to express modulation. This creates a visual connection to the building setbacks of the other structures on the East Thomas block. Access would be from Harvard Avenue East. This alternative includes departures for projections into the required setbacks, reduced open space and reduced depth of modulation.

The third and preferred scheme (Option C) shows a massing configuration that is further articulated with vertical bays. The main residential entry would be from Harvard. This scheme proposes commercial tenants on the entry level in accordance with the RC overlay. The commercial spaces would be on East Thomas Street, at ground level only. The building is located at the property line to foster commercial tenant visibility as well as create a visual connection to the adjacent commercial buildings. Access would be from Harvard Avenue East. This alternative also includes departures for projections into the setbacks, reduced open space and reduced height and depth of modulation.

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 and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

At the Final meeting, the Board reviewed a more detailed, developed design that responded to the guidance offered at the previous meeting.

Site Planning

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

Capitol Hill-specific supplemental guidance:

Retain or increase the width of sidewalks.

Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.

Vehicle entrances to buildings should not dominate the streetscape.

Orient townhouse structures to provide pedestrian entrances to the sidewalk.

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

New development in commercial zones should be sensitive to neighboring residential zones. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.

The Board agreed that the design challenge of this building is to respond to both the strong commercial character of Broadway and the strong residential character that is established to the west and south of the site.

At the Recommendation meeting, the Board agreed that treating the Thomas Street façade design and uses to have a more commercial character is desirable, while the Harvard elevation and uses are more residential in character. The Board also liked the generous glazing at the ground level, the overhead canopies, extensive landscaping of the right of way and discreet signage concept plan.

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

The Board strongly discouraged a massing configuration and design showing a recessed ground floor. Instead, the Board agreed that that the base should be given additional attention and weight. The Board further suggested that the first level be given greater height or at least the appearance of greater height, such as emphasizing the first floors with materials and details.

The Board will be very interested in seeing detailed larger scaled street level elevation studies presented at the next meeting.

At the Recommendation meeting, the Board agreed that the residential entrance was well designed with appropriate emphasis on this entrance along the Thomas Street façade. The warm texture of the Prodeema material emphasized this entry as a vertical accent that leads the eye to the main entrance.

A-6 Transition Between Residence & Street. The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board agreed that the design and building program should enhance the pedestrian experience with significant landscaping at the ground level, lighting, signage, etc. If commercial uses are located at the ground level, the Board thinks that design should provide increased the floor to ceiling heights at the ground floor. They also suggested that the building be brought to the north property line, along Thomas Street, to give the commercial uses greater presence. If no commercial use is proposed, then the building should be setback. The types of commercial uses that are most likely to locate at this location are probably smaller administrative offices or live/work uses; thus, the ground level units should be designed accordingly with larger, operable windows. The commercial spaces should utilize transparent windows and overhead weather protection and other details that encourage pedestrian traffic to, from and around the site. The decision to locate commercial or residential uses at the ground level and how these uses have been integrated into the building design will be a key consideration in their next review.

At the Recommendation meeting, the Board discussed the two residential units located at street level on Harvard Street. The Board recommended approval of this design.

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.

Capitol Hill-specific supplemental guidance:

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

Options B and C show access from Harvard Avenue. The driveway would run along the south property line and be fully enclosed bringing the structure right up to the property line. The applicant explained that there is a 10% slope if access is taken from Harvard, while there is a 20% slope if taken from the alley. The Board remained unconvinced that access from the street is preferable to alley access. The Board suggested that a traffic study examining the issue of traffic queuing up from Broadway along Thomas Street would help explain whether this is a reasonable justification for locating the access off of the street, rather than the alley.

At the Recommendation meeting, the Board was extremely pleased that the access has been shifted to the alley and recommends approval of this access.

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.

Capitol Hill-specific supplemental guidance:

Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.

Provide for a prominent retail corner entry.

The Board noted that this site is located at an intersection where Harvard Avenue jogs, creating a very visible corner location. The design should take advantage of and acknowledge this visibility.

At the Recommendation meeting, the Board was pleased with the symmetrical notching back of the massing of the three corners facing the streets. By providing a notch at these corners, the design erodes away the mass of the structure, while also creating opportunities for taller, more significant landscaping.

Height, Bulk, and Scale

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

Capitol Hill-specific supplemental guidance:

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

Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.

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

The Board was concerned that the seven stories not appear identical; they should appear differentiated into a clear base, midsection and top. Also, the Board was concerned with the design of the lid portion of the building that extends over the proposed driveway. They do not want to see a blank wall at the property line. In addition to the north and west elevations, the Board looks forward to reviewing the proposed south and east elevations at the next meeting.

At the Recommendation meeting, the Board was pleased with the differentiation of the base, middle and top as expressed by the materials and building forms. The Board also supported the erosion of the corners by the vertical notches at the corners.

Architectural Elements

C-1 Architectural Context.

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

The Board discussed the transitory nature of this site, on the edge between the commercial activity of Broadway to the east and the residential neighborhood to the west. The residential context offers fairly traditional character and material palette, while the Broadway context is more eclectic.

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.**

Capitol Hill-specific supplemental guidance:

Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.

Solid canopies or fabric awnings over the sidewalk are preferred.

Avoid using vinyl awnings that also serve as big, illuminated signs.

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

At the Recommendation meeting, the Board was very pleased with the building articulation, use of materials and generous glazing. The uses within the building are expressed on the exterior in a manner sensitive to the neighborhood.

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

Capitol Hill-specific supplemental guidance:

Provide operable windows, especially on storefronts.

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

The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

The Board stressed that the design should use a material palette that is durable and long-lasting. The Board looks forward to reviewing a more detailed materials and color board that is reflective of and responsive to the residential neighborhood.

At the Recommendation meeting, the Board was presented a material palette that included a ‘Prodeema’ product that is a wood resin for the center vertical notch over the residential entrance and the rooftop pavilion. The windows are a white panel with white horizontal belly bands that contrast with the vertical lines of the modulation. The building body is an olive grey colored vertical metal panel and a flush silver metal panel below the windows. The base has been emphasized with concrete and polished CMU giving weight to the commercial base. The ground floor glazing extends two stories in height and will have operable elements. The Board was very supportive of the high quality materials proposed, as well as the proposed color palette which is sleek and muted and should be retained in the final design of the structure.

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.

If access is taken from Harvard (of which the Board was not supportive), the Board stressed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. In particular, the design of the garage door and driveway paving should be interesting, attractive and safe. The Board recommends vehicle access from the alley.

Pedestrian Environment

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 noted that the south wall at the property line should be designed to avoid a blank wall visible to the neighbors to the south. The Board suggested growing vines from the open space located above, allowing trailing vertical vegetation to help screen the wall and/or reveals and form-board patterning.

At the Recommendation meeting, the Board felt that the wall proposed along the south property line appropriately screened the neighbors from the driveway. This wall should include some visual interest from vines planted in the terrace above. This wall should also support a desirable lid over the driveway that will provide an open space amenity for tenants.

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements away from the street front where possible. Where these elements cannot be located away from street fronts, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Capitol Hill-specific supplemental guidance:

For new development along Broadway that extends to streets with residential character—such as Nagle Place or 10th or Harvard Avenues East—any vehicle access, loading or service activities should be screened and designed with features appropriate for a residential context.

The Board stressed that all of the service elements associated with the proposed development should be located within the proposed structure to provide increased security and discourage loitering. The Board also noted that participation in a dumpster-free program would also be acceptable. The Board would like to see the details of any dumpster enclosure if it is not contained within the building – particularly how the enclosure appears from the east and south property lines.

At the Recommendation meeting, the Board was very supportive of the fully enclosed and secured service area off the alley.

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

Capitol Hill-specific supplemental guidance:

Consider pedestrian-scale lighting, but prevent light spillover onto adjacent properties, architectural lighting to complement the architecture of the structure and transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach.

Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.

The Board was especially concerned that security around the site and at the alley and ground level units/commercial spaces be well-lit, with clear sight lines.

At the Recommendation meeting, the Board agreed that the lid over the steep driveway along the south property line made sense in terms of protecting the sloped driveway from the elements as well as securing the garage entrance from loitering. The lid also creates an opportunity for tenant open space.

Landscaping

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

The planting strip in the extra wide right-of-way on the north side of the site should be extensively landscaped and designed into a fantastic design. An elevator penthouse is shown and there is a proposed roof deck. Required open space is shown on the roof deck, at grade and within the setbacks. The Board emphasized that the quality and creativity of the design for the open spaces provided is critical.

At the Recommendation meeting, the Board discussed the unusually wide right of way and the proposed landscaping. The Board was pleased with the number of trees, shrubs and ground cover proposed in the right of way as well as within the setbacks. However, they would like to see trees of a higher caliper provided.

Board Recommended Condition #1: The trees shown in the right-of-way should be at least 4-5” caliper trees.

The Board cautioned that perhaps the landscaping between the sidewalk and property line along Thomas Street appears more residential in nature and that the landscaping plan should have a more commercial character or at least lend the commercial uses to express themselves more in this exterior space.

The Board liked the secondary access to the south terrace from Harvard Street via a stairwell lined with planters, as well as the slightly raised stoop entries to the two ground floor units. The Board recommends that the stairwell be shifted slightly away from the building to allow for a landscape buffer to occur. The Board did recommend that the units fronting onto the terrace should be better screened from the common access area of the terrace.

Board Recommended Condition #2: For the units that abut the terrace open space, the Board recommended creating greater privacy from the common areas of the terrace by privatizing those portions of the terrace in front of these units.

The rooftop open space was also well received by the Board given its generous dimensions, hardy landscaping and enclosed pavilion room with a kitchenette and dining area.

Design Review Departure Analysis

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

Table: Departure Summary Departure Summary Table

Item	Description	Code Citation	Code Requirement	Departure Request	Board Response
1	Structure depth	23.45.052 B.1-2	Maximum structure depth not to exceed 65% lot depth. [0.65 x 60'=39']	Depth is 60' at grade, 50' above 6'.	Board was supportive of the lid over the driveway both because it affords an opportunity for a residential amenity and because it screens the drive aisle. (4-0) (A-6)
2	Modulation	23.45.054 A-B	Beginning 10' above grade modulation requirements are: max=40'	From 10' to 15' above grade.	Board agreed that the proposed building articulation is appropriate and well-designed. (4-0) (A-10, B-1, C-2)
			min=10'	For a reduction of 2' from the required 10' min at SE and SW corners.	
3	Setbacks	23.45.056 A	Front	From 5' at grade, and	Board originally stated

			setback=5'	3' above 8' (per 23.45.056.A.3.c&d) to 0'.	support for reduced front setback if commercial uses were located at ground level, which has been proposed. (4-0) (A-2)
4		23.45.056 B	Rear=10' with modulation	Structure in rear setback as terrace providing drive aisle weather protection, security, and glare reduction.	Board was pleased with the complete enclosure of the driveway from a safety and security standpoint. Board also supported creation of garden terrace along south side of site. (4-0) (A-2, D-7)
5		23.45.056 C	Side= 8'	To 0' at grade along the east setback for solid waste at the alley, and at 15' above grade at both the west and east yards to 3' (with alley dedication requirement) at points to break up the mass of the building.	Board pleased that garbage enclosure is fully integrated into the building design. (4-0) (D-6, D-7)
6	Open space	23.45.058 A.2a	25% lot area= at grade usable open space	No more than 713 SF of open space is allowed above grade, request 1,057 SF at grade, 762 SF at 6' above grade, and 830 SF at the roof.	Board was pleased with the overall increase in open space and landscaping proposed, as well as extensive landscaping of the right of way. The Board did recommend a condition; see E-2 for further discussion. (4-0) (A-2, E-2)
7		23.45.058 A.2b	1/3 total usable open space may be located above grade if the require open space is increased to 30%		
8		23.45.058 B.3a	Minimum 10' horizontal dimension	8' wide on south corners to create symmetry w/ north corners which are compliant.	

9	Parking	23.54.030d1E	20'-0" drive aisle req'd for residential driveway serving more than 30 parking stall spaces	Due to a narrow site, in order to maintain backing distance the elevator must encroach into the drive aisle by 2'-8"	Board was supportive of this departure given the narrow site depth and topographical challenges. (4-0) (A-8)
10	Structure Width	23.45.052.A.1	Structure width: max 40' without modulation	Width is more than 40' without modulation departure.	Board pleased with overall design and modulation as proposed. Modulation is contemporary with clean, simple lines appropriate to the architecture. (4-0) (A-2, A-3)

Summary of Board’s Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the August 1, 2007 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-3 and C-3:
 - a) the transparent glazing of the storefront system to give a commercial character;
 - b) design of the residential entrance;
 - c) overhead weather protection; and
 - d) comprehensive lighting plan.
2. As described under Guidelines C-2 and C-4, the building materials and colors presented at the Final Design Review meeting.
3. The landscaped open spaces with plants providing texture, color and seasonal variation, as well as street trees and landscaping in the right-of-way presented at the Final Design Review meeting and described under Guideline E-2.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along both East Thomas Street and Harvard Avenue, the Board was particularly

interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity and reflect the neighborhood character.

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

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

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

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

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

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

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

1. The trees shown in the right-of-way should be at least 4-5" caliper trees
2. For the units that abut the terrace open space, the Board recommended creating greater privacy from the common areas of the terrace by privatizing those portions of the terrace in front of these units.

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

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are

consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

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

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 8, 2007. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

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

- The applicant estimates approximately 5,300 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none">• 5,300 cubic yards of excavated materials.
2. Traffic	<ul style="list-style-type: none">• Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	<ul style="list-style-type: none">• Increased noise from construction activities.

Drainage

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

Earth - Grading

A Geotechnical Report was completed by Shannon and Wilson, Inc. and dated September 20, 2004. The report assessed the geotechnical aspects of project design and construction. The construction plans will be reviewed by DPD and any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 5,300 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

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

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

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 530 single-loaded truckloads to remove the estimated 5,300 cubic yards of material.

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

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

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

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

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

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

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

Long-term Impacts

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

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

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

Parking

A parking study was submitted to DPD by Lochner, Inc. dated June 26, 2007 evaluating the parking impacts of the proposed development. The 45 parking spaces provided by the proposed development are all located on-site. The parking spaces are below grade which is accessed via a single two-way driveway off of the alley. The existing site is a private parking lot that can accommodate 27 vehicles.

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

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	ITE Peak hour	Total Spaces per ITE	Proposed
Proposed	Mid Rise Apartment (ITE 221)	45 units	45	51	45
Proposed	General Office (ITE 701)	2,250 SF	6		

According to the ITE report, the 2,250 square feet of administrative office use associated with the proposed project would require approximately six parking spaces during the peak hour likely to occur during the early afternoon peak hours. The 45 proposed residential units would require approximately 45 spaces during the peak hours likely between late evening and early morning. This figure, however, is likely to be less depending on the vacancy rate of the units. The peak parking demand for the two uses is unlikely to occur during the same hours. The proposed development will provide 45 parking spaces. The amount of parking provided is short by six spaces during the anticipated demand at peak hours. The parking study also examined the impacts of the loss of parking offered by the existing surface parking lot. The analysis concluded that private parking lots often have excess capacity and it is likely that the patrons of the subject parking lot will utilize one of the many nearby parking lots. This amount of overflow of estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by Lochner, Inc. dated June 26, 2007 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip

generation rates obtained from the Seventh Edition of the *ITE Trip Generation Manual*. For the proposed development, trip generation rates associated with Mid Rise Apartment and General Office were used. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
Proposed	Mid Rise Apartment (ITE 220)	(Unit Count) 45	22	25
Proposed	General Office (ITE 710)	(Per 1,000 SF) 2,250	3	

Using the ITE data, there will be approximately 25 additional trips in the PM peak hour associated with the proposed combination of uses. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services Broadway and the Capitol Hill neighborhood and provides direct connections to downtown Seattle. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no additional mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

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

CONDITIONS – SEPA

During Construction

The owner applicant/responsible party shall:

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

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

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (Non-Appealable)

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

Prior to Building Permit Issuance (Non-Appealable)

The plans shall be revised to show the following:

4. The trees shown in the right-of-way should be at least 4-5" caliper trees
5. For the units that abut the terrace open space, the Board recommended creating greater privacy from the common areas of the terrace by privatizing those portions of the terrace in front of these units.

Prior to Pre-Construction Conference

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

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #4-5 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

7. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
8. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (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.
9. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
10. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
11. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

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

Signature: _____ (signature on file) Date: December 13, 2007
Lisa Rutzick, Land Use Planner
Department of Planning and Development

LR:lc