



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:** 3005677

**Applicant Name:** Bryan Austin, Demetriou Architects  
for Greg Kappers, Prescott Homes

**Address of Proposal:** 728 Boylston Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a three story, 10 unit townhouse structure with parking for 16 vehicles located in a below grade garage in an environmentally critical area. Two existing four-unit structures (eight units) to be demolished.\*

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41**

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

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

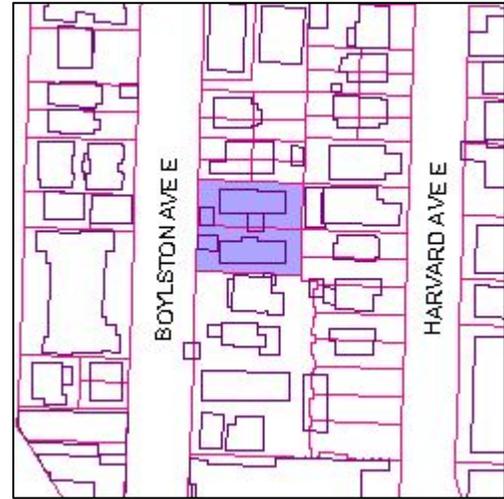
\* The full subdivision for the proposed development on the subject site is currently being reviewed under Master Use Permit project number 3007557.

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

## **BACKGROUND DATA**

### Site & Vicinity Description

The subject site, located in the North Capitol Hill neighborhood, is approximately 11,500 square feet and is situated mid-block on the east side of Boylston Avenue East, between East Aloha Street and East Roy streets. The site is made up of two parcels, each with an existing four-unit multi-family residential structure, both of which would be demolished. There is no alley access to the site. The site currently has a 14-foot tall retaining wall approximately 14 feet west of the property line, above which the two existing buildings are located. This portion of the site is mapped as a Steep Slope Environmentally Critical Area.



The subject property is zoned Lowrise 3 (L3) with a 30 foot height limit. The same zoning designation continues on all sides of the site and lies just outside of the Harvard Belmont Landmark District. The area is well served by transit and is developed with mostly single and multi-family residential structures.

### Proposal

The proposal includes demolition of two existing multi-family residential buildings (eight units total) and the construction of a new 10-unit multifamily structure. Access to the site would be from Boylston Avenue and parking would be below-grade.

### Public Comments

Approximately 15 members of the public attended the Early Design Guidance meeting held on January 17, 2007. The following comments were offered:

- Would like the Board to give strong direction to the designer and developers regarding the integration of high quality landscaping and materials. Provided photographs of abutting development to the north that included only a 13 foot wide landscaped area along its entire 100 foot frontage along Boylston.
- Supports the single driveway access proposed.
- Encourage materials that align with those used in Harvard Estates and the Victoria Town Homes on Queen Anne. Suggest that these projects serve as benchmarks for design considerations as this project is further designed.
- No parking should be allowed in the proposed driveway.
- The garage doors should be very quiet and not disturb neighbors.
- Considers this site part of the renewed Capitol Hill neighborhood in terms of livability and elegance.
- Interested in comparing footprints of the proposed building with that of the new building to the immediate north to better understand bulk impacts on the neighbors abutting the site.

- Grateful to find housing in this neighborhood, but has found the workmanship of the development abutting the site to the north to be questionable.
- Clarify that the proposed building will be three stories (not four).
- Would like to see the wrought-iron gate of Harvard Estates extended to the subject site.
- Excited to see this site redevelop.
- Hopeful that rooftop deck will be well-designed and pleasant to view from neighboring units.
- Suggest that fencing at the perimeter match that of Harvard Estates to allow coordinated sprinkler systems.
- Preservation of the large existing Maple tree at the rear of the subject site should be a priority.

Approximately 12 members of the public attended the Initial Recommendation meeting held on June 20, 2007. The following comments were offered:

- Concerned with the relationship between the proposed development and the townhouses immediately to the north. In particular, the privacy of the upper levels is jeopardized by the configuration and proximity of the proposed roof decks. Would like to see planter boxes and/or screening provided along the north side of the proposed roof decks.
- Hopes that the existing retaining wall is maintained. [Both the retaining walls on the north and south sides of the site are proposed to remain.]
- Wants to see high quality materials used for the proposed development.
- Provide a commitment from the developer to preserve the existing Birch and Maple trees as they currently provide a visual buffer and privacy screening between the subject site and the abutting Harvard Estates project.
- Recessing the garage door is commendable; however, the tunnel-like space created by the driveway poses security issues. Install a secondary and decorative wrought iron gate at the sidewalk that will further discourage trespassing.
- Clarify height of building, retaining walls and setbacks.
- Clarify that the proposed five-foot walkways between the front buildings and the rear building are surrounded by facades that reach up to 40 feet in height.
- Concerned with the loss of solar access due to the location of the proposed penthouses on the neighboring units.
- Owner noted that saving trees will create construction hardships.

Approximately ten members of the public attended the Final Recommendation meeting held on October 17, 2007. The following comments were offered:

- Concern for the height of the building and whether it was accurately calculated. Some of the drawings appeared to be contradicting.
- Roof decks compromise privacy for Harvard Estate units located to the east.
- Concerned with the lack of irrigation in the development to the north and doesn't want to see that occur on this project.
- Confused with the street elevation massing diagram. In particular, how the massing of the proposed development relates to the condos immediately to the south and east.
- Concerned and confused with the proposed massing of the stair towers and roof decks on units D, E, F & G.

The SEPA comment period for this proposal ended on March 21, 2007 and was extended by request to April 4, 2007. The following comments were received:

- Request to be a party of record.
- Desire to limit construction hours.
- Concern that construction activity on this site will be similar to that when the next door development was being constructed with parking abuses by construction workers.
- Interest in preserving the Maple and Birch trees located on site.
- Wish to see landscape in the right-of-way survive.
- Question how the existing retaining wall will be addressed.
- Concern that privacy of neighboring units is maintained.
- Would like to see foliage screening on the roof decks.
- Concern with the loss of light to the living spaces of neighboring residences. Would like to see reduced height of proposed buildings.
- Desire for greater setbacks.
- Concern that the structural integrity of the adjacent buildings remains intact as a result of construction.
- Concern that the submitted plans and survey do not reflect the reality of the site and proposed development.
- Would like the electrical service supply to be under grounded or connect at the northwest corner.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

Three schemes were presented at the Early Design Guidance meeting. In all three schemes, access would be taken from Boylston Avenue East. The first (Option A) proposed four buildings, each containing two units (for a total of eight units). The buildings would be separated with landscaped pathways and private open spaces. In this alternative, the garages would be at street level and face Boylston with multiple curb cuts needed to access the garages. The second alternative (Option B) included a modulated U-shaped building containing 10 townhouse units, with an interior courtyard, all of which is situated approximately 14 feet above the sidewalk with a terraced planter between the sidewalk and the development. All of the parking in this scheme would be located below grade. The third option and preferred scheme (Option C) proposes a similar modulated U-shaped building with an interior courtyard as shown in Option B, but shifted to the east and down to sidewalk grade allowing four of the townhouse units to front directly onto Boylston Avenue East. In this scheme, the front portion of the building is approximately at sidewalk level while the six units in the rear would follow the existing topography and be situated above and behind the front portion of the building. All of the parking would be below grade, tucked behind the four front townhouse units and accessed via a 12-foot wide driveway from the street.

The Board agreed that proposed Option C was superior to the other alternative in terms of taking advantage of the topography, responding to the neighborhood context, enhancing the pedestrian character of the street and keeping the parking hidden from view.

At the Initial Recommendation meeting, a further developed design was presented to the Board. The design concept evolved from the Option C shown at the EDG with the ten units divided into three clusters. The two front buildings each have three units and face towards Boylston Avenue. The rear building contains four units. The middle and rear units are configured around an interior courtyard that connects to the sidewalk. The rear four units have private patios to the east and the front four units have direct access to the Boylston right of way. A driveway bisects the site and slopes downward beneath the proposed development.

At the Final Recommendation meeting, the applicant presented their response to the recommendations from the Initial Recommendation meeting. The departures previously requested at the Initial Recommendation meeting have been eliminated. The interior separation between buildings was increased from five feet to the required ten feet to help solar access and concerns with the quality of the space. In addition, the structure depth has been reduced to meet the 65% requirement. The exterior has been modified to include wrapping the masonry treatment around to the west side of the north and south elevations. The elevations were further developed to include more brick and responded to fenestration concerns. A secondary decorative gate was added at the driveway entrance to eliminate concerns with trespassing. Courtyard treatment includes the addition of a mixture of paving types to help define individual entrances, pedestrian access ways, gathering areas, and focal points. Site furnishings, an art sculpture, entry overhangs, green walls and vertical plantings have been added to help define the character and use of the courtyard. The entry landscaping has been modified to respond to SDOT comments and to be more compatible with the Harvard Estate street frontage landscaping treatment. Efforts to save the birch tree located in the southwest corner and the large maple tree along the east property line will be made through construction monitoring. The stair penthouses were pulled in from the setback line and consolidated to reduce the concern of the building mass along the perimeter. The roof decks were redesigned to incorporate planters for use as screening between neighbors and soften the building stair tower masses. Roof deck treatments will consist of pedestal pavers, bamboo screening located in planter boxes and translucent rails for sound proofing. The intent of the project is to meet LEED silver standards.

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

## Site Planning

- A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-3 **Entrances Visible from the Street.** Entries should be clearly identifiable from the street.
- A-6 **Transition Between Residence and Street.** The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction.

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

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

The Board noted that the design of the four townhouse unit entries facing Boylston should be well-designed, detailed and landscaped, while reinforcing the residential character of the street. The Board further agreed that the design of stairs leading to the central residential courtyard area should also be well-designed and landscaped, while providing enticing views to pedestrians at street level.

The Board also discussed that the wide right-of-way provides excellent opportunities for lush, interesting landscaping that reflects that of recent multi-family development in the neighborhood, such as Harvard Estates and Merrill Court. The Board stated that they expect to see the entire right-of-way “buffer” area designed and landscaped for the full frontage of the site with the exception of the access drive and pathways to the four units facing the street. The Board looks forward to reviewing a high-quality well programmed and well landscaped ground level open space design. (See also E-1 and E-2)

The rooftop decks will be visible from nearby buildings and should be thoughtfully designed to elicit enjoyment by the residents, but also to be visually pleasant as viewed by neighbors.

The Board was very pleased with the narrow, singular driveway proposed, as well as the tucking away of the below-grade parking garage behind the street-facing units taking advantage of the site’s existing topography. The Board encouraged the driveway design (paving, garage door, etc) to be well-integrated into and contribute to the proposed building’s aesthetics.

**At the Initial Recommendation meeting, the Board appreciated that the interior courtyard space will have decorative pavers and artwork. However, the Board thinks that the space will become lifeless since the units bordering the courtyard do not engage that space. Rather, the orientation of the units turns their backs towards this courtyard amenity. The Board strongly recommends that the interior layout of the units and fenestration bordering the courtyard endeavor to interact with the shared courtyard space. The courtyard itself should also be specifically programmed to ensure its usability and livability with furniture and landscaping that reinforces the unit entries.**

**The Board was pleased at the singular, centered driveway with a recessed garage door. The Board noted dissatisfaction, however, with the tunnel-like space created by the depressed driveway and garage door set back approximately 30 feet back from the property line. The Board recommended inclusion of a secondary gate at the property line (or within a few feet of the property line) that is made of decorative wrought iron, in a pattern and configuration similar to that found at the Harvard Estates.**

**The Board recommended that the gates and structural piers be set back at the property line (and not within the right-of-way). The landscaping in the right-of-way should be lush and irrigated. The Board also discussed the likelihood that they will recommend a condition that the gate and matching railings shown throughout the development be wrought iron and match those found at the Harvard Estates.**

The Board expressed concern with the privacy, size and usability of the proposed roof decks. The Board recommends that the roof deck configuration be reconsidered to be more functional, sensitive to the neighbors and more integrated with each other. Of greater concern to the Board is the location and number of stairwell penthouses that connect the units to the roof decks. The penthouses overly dominate the elevations and should be consolidated where possible, setback from the building edges and endeavor to be smaller scaled and less obtrusive. Additionally, the solar blockage created by these penthouses both on and off site should be considered and minimized. The Board expects to see an analysis of this impact at the next meeting.

*At the Final Recommendation meeting, the Board was very pleased with the refined design, which includes a vastly improved interior courtyard, with wider passage ways, between the three buildings, further differentiation of the entries with overhead canopies, paving patterns and planter boxes. The Board was also very supportive of the secondary decorative gate at the driveway that has been added at the property line. The Board also expressed satisfaction that the residential gate and piers have been shifted from their location in the right-of-way to the property line. The design of the gate and railings has changed to a less traditional pattern of undulating horizontal lines made of black colored cast steel. The Board was comforted by the details and quality of the proposed gate and railings and as a result, appreciated the effort to avoid replication of the Harvard Estates railings and gates.*

*The Board was extremely happy with the proposed low (under two feet), dense ground cover plantings in the right-of-way. The Board was concerned, however, that these plants survive and thrive. Therefore the Board recommended the following condition.*

*Board Recommended Condition #1: An irrigation system should be installed to service the vegetation planted in the right-of-way along Boylston Avenue.*

## Height, Bulk, and Scale

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

The Board agreed that Option C best responds to the site topography and reinforces the spatial characteristics of the existing development in the neighborhood. The bulk and mass of Option C appropriately distributes the bulk throughout the site and minimizes the bulk and scale as compared to Option A and B.

*At the Final Recommendation meeting, the Board was very pleased with the reconfiguration of the stair penthouses to reduce bulk and shadow impacts on the neighboring residences. Furthermore, the Board appreciated that the roof decks have been limited to provide green roof areas, as well as prevent accessibility to the outer edges of the roof areas, thus protecting privacy of the abutting neighbors.*

## Architectural Elements

- C-1 **Architectural Context.** New buildings proposed for an existing neighborhood with a well-defined and desirable character should be compatible with and or complement the architectural character and siting pattern of neighboring buildings.
- 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.
- C-4 **Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.
- C-5 **Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board supported the suggestion that the architecture of the proposed development take its design and material cues from the Harvard Belmont Landmark district, as well as the Harvard Estates and Merrill Court, two projects that have successfully integrated high quality traditional materials and details into the building designs, site plan and landscaping. The Board concurred that the use of stone and brick would be appropriate materials for the proposed development and they expect to see such materials presented at the next meeting. The Board agreed that the material palette and design of the recent town homes built immediately to the north of the site are less desirable. For example, they do not want to see faux rock veneer or hardi-board used in the proposed building.

The Board looks forward to reviewing a more detailed, high quality material and color palette. The Board would also like to see an elevation of the proposed development in the context of the full block (extending from Roy to Aloha streets).

The Board reiterated support for the narrow singular driveway proposed and encouraged the design to minimize intrusion to the sidewalk and landscaped planting strip and right-of-way buffer. A garage door system should be selected that is quiet and will not disrupt residents and neighbors as it opens and closes. The Board warned that the multiple curb cuts, expansive asphalt paving and numerous garage doors facing the sidewalk at ground level found in the building to the north would not be advisable. (See also A-8)

**At the Initial Recommendation meeting, the Board recommended against the use of any stucco on the building exterior visible from the property perimeter. The Board also recommended against any simulated stone products, specifically the material noted on Sheet A7.4 of the packet.**

**Generally, the Board recommended that the historic character be carried evenly throughout the building composition. For example, the Board recommended that sliding doors be replaced with French doors.**

The Board noted that there are too many window types and that a more ordered approach to the fenestration on all sides is recommended.

The Board agreed that having multiple decks, roof deck and ground level open space for each unit is not necessary; rather it is the quality and usability of the private open spaces that is important. Towards that end, the Board recommended that the decks be recessed, not projecting, to be more aligned with the historic character of the building's aesthetics.

*At the Final Recommendation meeting, the Board was pleased that the entire street facing façade will be brick and that the brick will wrap the northwest and southwest corners of the two street facing buildings for the depth of units B and I. The material palette consisted of beige colored stucco, red brick, beige pre-cast concrete details, black clad windows and black railings.*

*The Board was satisfied with the somewhat simplified fenestration. The Board agreed that the proposed sliding doors that appear to be French doors was appropriate given the desire to conserve space. The decks along the west elevation have been retained, but the Board felt more comfortable with the projections as more detail was provided.*

*The Board is concerned that the joinery between the stucco and brick materials is executed carefully, with attention to detail. Of particular concerns are the projecting stucco bays on the north and south brick façades and the northeast and southeast corners, where the two story brick façade of the east elevation wraps around the corners to a full stucco wall. The Board recommended the following conditions.*

*Board Recommended Condition #2: The material transitions between the brick and stucco materials should be carefully designed and detailed.*

*Board Recommended Condition #3: The brickwork should wrap the north and south corners of the east façade for a depth of at least 2-3 courses of brick for the two story height.*

## 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.
- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board agreed that the entry design of the four townhouse units facing onto Boylston Avenue East should create a sense of individualized, semi-private open spaces that are buffered by a wide, well-landscaped right-of-way between the property line and the sidewalk.

The Board specified that the service areas and access to these areas should be minimized and well-integrated into the development to be as unobtrusive as possible. The Board would like to review how the various garbage collection containers will be stored.

**At the Initial Recommendation meeting, the Board was pleased with the design, landscaping and configuration of the entry patios of the street facing units. The Board also appreciated that the trash area has been tucked under the stairwell and will not be visible to passersby.**

**The Board was extremely concerned with the proposed departure to reduce the width of the separation between the buildings from ten to five feet. This width is far too narrow and dark to be enjoyed by residents. The building face along these two corridors measure 30 feet tall (and 40 feet tall where the penthouses are located). Moreover, the overhead canopies at the entries along these corridors project three feet and would further crowd the space; these entries are not hospitable.**

*At the Final Recommendation meeting, the Board was no longer concerned with the corridor areas between the buildings as too narrow, since they have been updated to be wider. The Board was very excited with the proposed art sculpture as a focal point in the interior courtyard and wanted to reinforce the importance of this feature through a condition.*

*Board Recommended Condition #4: The proposed art sculpture is a critical focal point of the interior courtyard and should be retained.*

## Landscaping

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. 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 walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**
- E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as existing significant trees.**

The Board would like to see an innovative and well-programmed residential courtyard design, as well as that of the stair well access to the upper level courtyard. The Board looks forward to a detailed graphic showing the design of this courtyard and steps to create a distinctive, landscaped, functional entry pathway.

The Board discussed at length the treatment of the wider than normal right of way planting strip and stressed that this area become a well-landscaped softscape with plantings (not grass) and an irrigation system be included to assist in the long term maintenance of the vegetation.

The Board strongly encouraged the preservation of the large Maple tree located near the rear property line.

**At the Initial Recommendation meeting, the Board was pleased with the proposed landscaping in the wide right-of-way, the front entry patios for the street facing units, the interior courtyard configuration and variety of private open spaces available for each unit. The Board stated, however, that the interior courtyard does not relate well to the units**

fronting onto the shared open space. The Board noted that the roof decks are not of a usable size and should be better thought through to ensure that they are functional, enjoyable spaces for the residents. The Board also recommends installing planters and/or screening, as well landscaping that creates a privacy buffer between the subject development and the neighboring units. Additionally, the Board suggested that the division between the two units sharing each roof deck be more neighborly and better coordinated to help create the perception of larger spaces.

See also A-7.

The Board strongly agreed that the Birch tree located at the southwest corner of the site and the Maple tree located along the rear (east) property line be preserved and protected during construction. The Board intends to recommend a condition to this effect at the next meeting.

*At the Final Recommendation meeting, the Board continued to be pleased with the proposed landscaping located at grade, in the courtyard and on the roof decks. The kinetic sculpture, resin planters, pavers, site furnishings and cable trellis features are all well considered and contribute to a successful landscape plan. Columnar trees are proposed along the south perimeter of the property as well as along half of the north property line. The Board was very happy with the intent to attain LEED certification and the inclusion of a green roof. The landscaping plan includes dense, drought tolerant species that will add to the LEED credits, soften the mass of the development and provide visual interest to both neighbors and future tenants. Because the landscaping is an important element in the design in terms of buffering the development from the abutting neighbors, as well as providing screening and privacy, the Board wanted to reinforce that the plantings should achieve their desired affects upon completion of the building. Similarly, the Board wanted to reiterate the proposal to preserve the two large trees located on site. Thus the Board recommended the following conditions.*

*Board Recommended Condition #5: All landscaping should be considered mature (in size) upon installation.*

*Board Recommended Condition #6: A Tree Preservation Plan should be completed for both the Sycamore Maple and Birch trees located on the subject property.*

### **Design Review Departure Analysis**

No departures were requested at the time of the Recommendation meeting.

### **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 May 2, 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 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-6, B-1, C-5 and E-2:
  - a) Secondary garage door;
  - b) Landscaping in the right-of-way and
  - c) Privacy screening at the roof decks.
2. As described under Guidelines A-7, D-1 and E-2, the residential courtyard design and site landscaping presented at the Final Recommendation meeting.
3. As described under Guideline C-4, the building materials presented at the Final Recommendation meeting.

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 Boylston, close to the Harvard Belmont Historic District, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape and encourage pedestrian activity. The Board recommended the following refinements to the design:

- 1. An irrigation system should be installed to service the vegetation planted in the right-of-way along Boylston Avenue.*
- 2. The material transitions between the brick and stucco materials should be carefully designed and detailed.*
- 3. The brickwork should wrap the north and south corners of the east façade for a depth of at least 2-3 courses of brick for the two story height.*
- 4. The art sculpture proposed is a critical focal point of the interior courtyard and should be retained.*
- 5. All landscaping should be considered mature (in size) upon installation.*
- 6. A Tree Preservation Plan should be completed for both the Sycamore Maple and Birch trees located on the subject property.*

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**

Three members of the Capitol Hill 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 conditions. Most of the recommendations made by the Design Review Board have already been reflected in the plans. The Director accepts the aforementioned recommendations of the Board that further augment Guidelines A-7, and C-4, E-1, E-2 and E-3.

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 four 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 recommended conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The recommendations of the Board shall be incorporated as conditions of this decision.

#### **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 three 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 summarized above and enumerated 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 February 14, 2007. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

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

### Short-term Impacts

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

- The applicant estimates approximately 3,500 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- Disturbance of the mapped steep slope environmentally critical area.
- 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.

### 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

Based on the submitted documents, the mapped steep slope areas are located along the western portions of the properties appear to have been created by previous grading and/or construction activities. Further, the submitted geotechnical report by Earth Solutions NW, LLC dated September 28, 2006 implied that disturbance of this area will not result in adverse impacts on this site and adjacent sites. The Department's geotechnical review concluded that in this respect, the ECA Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) were waived for the proposed development. All other ECA Submittal, General, and Landslide-Hazard, and development standards will continue to apply to this development.

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

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 3,500 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, 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 residential uses. 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 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 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 and summarized below.

Parking

The existing site contains two existing residential buildings, each containing 4 units and a surface parking lot for eight vehicles. The proposed development includes ten residential units and 16 parking spaces to be provided on-site. The estimated parking demand generated by the proposed project is anticipated to be minimal and easily accommodated by the parking provided; therefore no adverse impacts are expected and no further mitigation is required.

Traffic

The vehicular traffic generated by the project will be residential in nature and is likely to generate a low number of additional trips that will not adversely impact the existing levels of service of surrounding intersections. The estimated increase in trips during the peak hours are not considered significant and no mitigation measures or further 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**

The owner applicant/responsible party shall:

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. 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 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 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.

#### *Prior to Building Permit Issuance*

The plans shall be revised as follows:

4. The plans shall show an irrigation system to service the vegetation planted in the right-of-way along Boylston Avenue.
5. The material transitions between the brick and stucco materials shall be carefully designed and detailed.
6. The brickwork shall wrap the north and south corners of the east façade for a depth of at least 2-3 courses of brick for the two story height.
7. The plans shall include an art sculpture as a critical focal point of the interior courtyard.
8. The plans shall indicate that all landscaping shall be considered mature (in size) upon installation.
9. A Tree Preservation Plan shall be reviewed and approved for both the Sycamore Maple and Birch trees located on the subject property.
10. The plans shall reflect those architectural features, details and materials described under Guidelines A-6, A-7, B-1, C-4 C-5, D-1 and E-2.

#### *During Construction*

11. The Tree Preservation Plans for both the Sycamore Maple and Birch trees located on the subject property shall be adhered to.

#### *Prior to Certificate of Occupancy*

12. An irrigation system shall be installed to service the vegetation planted in the right-of-way along Boylston Avenue.
13. The art sculpture shall be installed in the interior courtyard.
14. All landscaping shall be considered mature (in size) upon installation.

