



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Number:** 3005703  
**Applicant Name:** Anthony Shapiro for Jackson Square LLC  
**Address of Proposal:** 14349 15<sup>th</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow one six-story 65-unit residential building in an environmentally critical area. Parking for 87 vehicles to be provided at and below grade within the structure. Project includes 12,000 cu. yds. of grading.\*

\*Note: The project description has been revised from the original notice of application to reflect an adjustment to the parking stall count.

The following approvals are required:

**Design Review** – (Chapter 23.41, Seattle Municipal Code) with no Development Standard Departures.

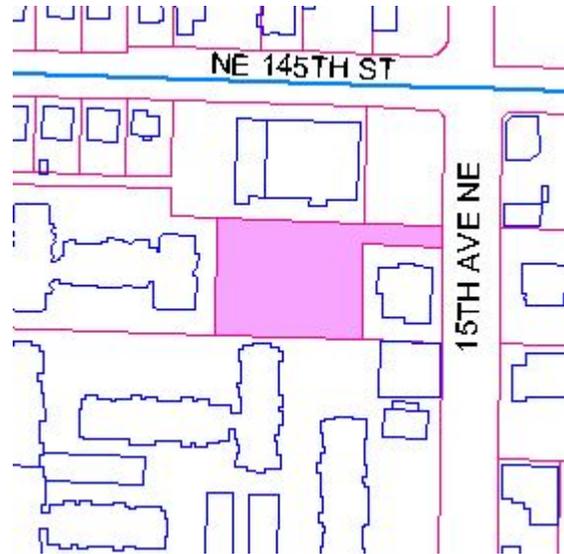
**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code).

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

**BACKGROUND INFORMATION**

Site and Vicinity Description

This approximately 31,801 square foot (sq. ft.) site is a split zone property located within both the Midrise (MR) and the Commercial 1 (C1-65) zones, situated with frontage along the west side of 15<sup>th</sup> Avenue Northeast. This flag-shaped lot was recently created as part of a recorded short plat (rec. #20060811900002-Parcel B) that divided one (1) parcel into two (2) parcels of land. No structures exist on the subject site.



15<sup>th</sup> Avenue Northeast is an improved street with curbs, sidewalks, gutters and street trees. 15<sup>th</sup> Avenue Northeast is classified as a Principal Arterial street, pursuant to SMC Chapter 23.53 with a total of five (5) lanes of traffic—two (2) lanes of traffic running north, two (2) lanes of traffic running south and one (1) center east/west turn lane.

This paved site has trees mainly scattered along the site's northernmost, westernmost and southernmost property lines. An existing 8" Pacific madrone (*Arbutus menziesii*) located near the subject site's western boundary line has been determined by an arborist (Tony Shoffner, ISA Certified Arborist, Arboricultural Consulting) as meeting the criteria to be classified as exceptional tree status (Director's Rule (DR) 6-2001). The site's topography is relatively flat with a downward sloping condition from north to south resulting in a ten foot grade change occurring along the site's southwesterly boundary line. This southwesterly portion of the site has been identified as ECA-Steep Slope. The applicant has been granted a limited exemption from ECA steep slope development standards for all work associated with this project (#6119774) but ECA review is still required for the building permit application.

Surrounding property west and south of the subject site is zoned as MR. Both MR and C1-65 zones are north of the subject site and C1-65 is the sole zoning designation east of the proposal.

Existing development in the vicinity of the proposal includes retail stores, drive-thru restaurant (Starbucks Coffee), and an office building (Qwest) all north; a bank, fast food restaurants, grocery store and a newly constructed retail store (WA state Liquor) to the east; a four-story apartment complex to the west; and an additional three-story apartment complex to the south. The Jackson Park Golf Course is one block west of the subject proposal.

### Proposal

The proposed redevelopment of the site involves the construction of a six-story residential building consisting of a total of sixty-five (65) residential units. Accessory parking for eighty-seven (87) vehicles is proposed to be located below the structure at grade and partially below grade. Vehicular access to the parking stalls would occur via 15<sup>th</sup> Avenue Northeast. The project includes approximately 12,000 cubic yards (cu. yds.) of grading.

### Public Comments

One (1) member of the community attended the Early Design Guidance (EDG) meeting held on February 6, 2007. Public comments and clarifying questions focused on the following issues:

- This member stated that he represents the type of resident the developer would market to. For that reason, he recommended that the proposal should incorporate viable usable open space such as a roof garden in order to take advantage of views of the golf course and encourage residents to enjoy onsite surroundings. The same member commented that the overall building design approach looks good.

One (1) member of the community attended the Initial Recommendation meeting held on February 25, 2008. Public comments and clarifying questions focused on the following issues:

- Questions regarding mitigating future water runoff to storm drains.
- Clarification of the types of landscaping being removed and provided onsite.
- Agreement that the applicant's preferred massing configuration makes sense at the subject site.

At the Final Recommendation meeting held on April 21, 2008, approximately one (1) member of the public attended. No public comments or clarifying questions were offered during the meeting.

The SEPA public comment period for this project ended October 24, 2007. DPD received no written comment regarding this proposal.

### **ANALYSIS - DESIGN REVIEW**

#### Design Guidance

The project architect, Anthony Shapiro, presented three (3) project alternatives or schemes at the EDG Meeting. All options included a six-story residential development with open space oriented towards the south, west and the main entry at the north. The alternative massing diagrams were distinguished by how the southwest corner is treated-chamfered or squared off. Mid-year shadow studies, building locations and elevation drawings were also shown. The diagrams represented the neighborhood context and future conditions based on area zoning. The first scheme (Option A) included an "L" shape chamfered at the southwest corner mass with covered parking and a garage entrance on the building's west façade. The second alternative presented (Option B) was a "Z" shaped building mass with a substantial green area in the southwest corner including screened parking and garage parking. This alternative proposes one (1) departure from building depth. The third alternative (Option C) showed an "L" shaped building mass. Option C was presented as the preferred scheme because, per the applicant, it allows for more development of the entry court and more easily permits the creation of an attractive building that complements its context and neighboring buildings in comparison to the other options.

The Board did not agree that proposed Option C was superior in the terms of being sensitive to the existing residential development abutting the site to the west and allowing viable usable open space. Therefore, the Board requested to review a scheme that pushes the building masse closer to the northern boundary line.

At the Initial Recommendation meeting, site analysis, floor plans, landscaping details, a building model, elevation sketches, street-level vignettes, color board and material samples were presented by the project architect for the Member's consideration. The design presented at this meeting was most similar to Option C; an "L" shaped building mass consisting of sixty-five (65) residential units. Vehicular access to eighty-eight (88) parking stalls located below the structure at grade and partially below grade via 15<sup>th</sup> Avenue Northeast was presented. The Board had the opportunity to compare two (2) schemes and ultimately agreed that Option C (preferred) was superior to the requested alternative in terms of best response to the guidance and the efficient layout of the site.

At the Final Recommendation meeting, the applicant presented their response to the recommendations from the Initial Recommendation meeting. A landscaping plan focusing on the pedestrian path and plaza level courtyard area was presented. The pedestrian path treatment includes colored embossed paving and two (2) decorative canopies with recessed downlighting. The east and north façade elevations were further developed to include more glazing, modulation and fenestration. A conceptual lighting plan, cut sheet and fixtures were also included in the presentation.

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 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. The guidance by the Board appears after the bold guidelines text: the recommendations from the Initial Recommendation meeting follow in bold text: and the recommendations from the Final Recommendation meeting follow in bold italicized text.

<b>A. Site Planning</b>
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***A-1 Responding to Site Characteristics***

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

***A-3 Entrances Visible from the Street***

*Entries should be clearly identifiable and visible from the street.*

***A-5 Respect for Adjacent Sites***

*Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

***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 emphasized the importance of developing a respectful and consistent relationship of the overall massing and design of the development to the streetscape, pedestrian environment and general pattern of development in the neighborhood. The board agreed that the development of a liquor retail store in front of a residential property is not the preference one would desire. However, the Board stated it would adequately work and cautioned against the allowance of any future commercial design features (pole signage, large storefront sized windows, etc.) being integrated with the residential proposal.

The Board acknowledges that due to the site's configuration, any proposal at this property would be situated a substantial distance from the front (eastern) property line abutting 15<sup>th</sup> Avenue Northeast and obstruction of the lower portions of building's façade will occur. However, the Board noted that the design of the residential entry should be as visible from 15<sup>th</sup> Avenue Northeast as possible and should not rely upon "visually loud signage" as a building entrance locator.

The Board looks forward to reviewing a high-quality well programmed and well landscaped ground level open space design. The Board emphasized that the open spaces should be configured to allow western and southern solar exposure. The Board encouraged the architects to explore different building depths, widths and configurations to accommodate such open spaces. The Board further noted that the design should include a seamless transition from the main entry areas to the ground level open spaces.

The Board is concerned that a substantial amount of the site has been dedicated for vehicular access (driveway, ramp, motor court) and parking design concerns. The Board voiced further concerns regarding the proposed configuration of the cul-de-sac motor court and advises against this design. Any configuration must be well-executed and the Board would like to closely examine the proposed details of such design and how it integrates with the pedestrian walkways, vehicular queuing, and proposed landscaping elements.

The Board discussed the proposed driveway/ramp and vehicular garage entrance along the western façade leading to the lower garage level parking area. The Board understands the applicant is trying to take advantage of the existing sloping condition. However, all agreed that relocating the garage entrance elsewhere on the site and reallocating that rear area to landscaped open space is highly desirable. Therefore, the Board encourages the applicant to explore other options.

**At the Initial Recommendation meeting, the presented design illustrates landscaped ground level open space oriented along the westerly elevation and upper level decks situated on all building facades except the easternmost façade. The revised design no longer included a cul-de-sac motor court.**

**The Board appreciated the open courtyard situated at the plaza level and agrees that this location is most favorable to western and southern sun exposure. (See Also B-1, C-2, D-2)**

<b>B. Height, Bulk and Scale</b>
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*B-1 Height, Bulk and Scale Compatibility*

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

The Board discussed at length the proposed massing configurations. All agreed that situating the usable open space towards the rear of the property is preferred because its southwestern orientation allows for maximum access to solar exposure. The Board debated the merits of the Z-shape versus the L-shape (preferred) and which would be least imposing to the residential neighbors and allow for maximum usable open space. Ultimately, the Board supported a design that maximizes the development potential allowed by the underlying zone. However, the Board stated that the design and massing of the west façade should be sensitive to the existing residential development abutting the site to the west. Also, a design that incorporates viable usable open space at the southwest corner is strongly preferred. Therefore, the Board would like to review a scheme that pushes the building mass closer to the northern boundary line as relates to having better usable open space. The Board would like the design to include enhanced site planning around the residential entry.

**At the Initial Recommendation meeting, the applicant presented a site plan and garage floor plan that illustrated a scheme in which the building mass was pushed closer to the northern boundary line and the vehicular entrances to the upper and lower garage parking areas would occur near the northeast corner of building's northern facade. The applicant explained this driveway location and internal ramp would create pedestrian safety concerns, diminish driver's visibility and increase interference with delivery/trash collection for the subject property and the neighboring retail building. The applicant also explained this scheme would minimize the amount of onsite parking from eighty-eight (88) stalls to sixty-five (65) stall, which translates to a loss of thirteen (13) units. The applicant stated the project would not be viable for the owner in this configuration.**

**The Board appreciated the efforts made by the applicant to investigate this scheme. In comparing the two (2) schemes, the Board agreed that the L-shape (preferred) best responds to the guidance and the efficient layout of the site.**

<b>C. Architectural Elements and Materials</b>
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***C-2 Architectural Concept and Consistency***

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

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

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

***C-3 Human Scale***

*The design of the new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

***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 did not highlight a single architectural expression to develop given the varied collection of buildings in the vicinity. Rather, the Board encouraged innovative residential design that is cohesive and applied evenly throughout the building. The building should maintain a non-commercial appearance.

The Board concurred that the use of stucco and brick would be appropriate materials for the proposed development and looks forward to reviewing a more detailed, high quality materials and color board at the next meeting.

Even though none of the proposed schemes illustrated garage entrances along the east side of the proposal, the Board agrees that treatment of the garage entrances to parking on the plaza and below grade will be scrutinized for a design that should be visually minimized and cause as little disruption to pedestrian circulation around the site. The Board would like to see details of the garages entrances.

**At the Initial Recommendation meeting, the material proposed for the residential building includes smooth concrete for the partially below grade parking garage area and retaining walls; split-face masonry veneer base along the south, north and west first level facades; upper levels and the first level easterly façade consisting of fiber cement panel, vertical corrugated metal siding, horizontal metal siding, vertically oriented metal panels with vinyl windows and sliding doors. In regards to the proposed color palette, the design includes a reddish color for the masonry veneer base and vertically oriented metal panels; and upper levels predominantly of burnt orange, beige and parchment tones. The Board was pleased with the quality of materials. The Board also commented that the colors seemed bold but agreed that it assists in distinguishing this structure from the retail building and suspects it won't appear as bold from 15<sup>th</sup> Avenue Northeast.**

**The Board was pleased with the design elements, details and massing identified on all of the building's facades with the exception of the east façade which the Board noted was the most visible to pedestrians from 15<sup>th</sup> Avenue Northeast. The Board discussed at length the easternmost façade and expressed concern with the lack of architectural consistency expressed in comparison to the other facades. (See Also D-2)**

<b>D. Pedestrian Environment</b>
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**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-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.*

***D-3 Retaining Walls***

*Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.*

***D-5 Visual Impacts of Parking Structures***

*The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

***D-6 Screening of Dumpsters, Utilities and Service Areas***

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

***D-7 Personal Safety and Security***

*Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

***D-12 Residential Entries and Transitions***

*For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.*

Given the orientation of the retail building in front of the proposal and the close proximity of the driveway, the Board feels strongly that the design should reinforce and enhance pedestrian safety from the street to the main residential entrance. Additionally, the Board noted that the area between the residential proposal and the liquor store in particular should be well lit. The proposed fencing surrounding the site should be well designed and well landscaped. The Board wants the design to provide lighting, distinctive pavement styles (pavers, embossing) and walkway overhead protection supplied by the retail building's roof extension. A conceptual lighting plan for the proposed building should be submitted at the next meeting.

The Board strongly agreed the northeastern corner of the building should be more prominent and suggests the design should integrate high quality materials (i.e. masonry), architectural detailing (i.e. lighted stairwell, up lighting, etc.) and a sense of whimsy that engages the passers-by.

The Board suspects the proposal may include massive retaining walls that extend higher than eye level and blank walls. Therefore, the Board requests the inclusion of site sections and design treatment that break down the scale and texture for any future retaining walls and/or blank walls.

The Board specified that the trash collection area should be enclosed and screened in an architectural form reflective of the development and not intrusive to pedestrian.

The Board is concerned that parking will be highly visible to adjacent properties. Therefore, the design should incorporate elements that eliminate or minimize the visibility and light and glare impacts associated with vehicles maneuvering on the site and within the covered parking areas.

A conceptual signage plan for the proposed building should be submitted at the next meeting.

**At the Initial Recommendation meeting, the Board observed that a substantial amount of the site planning addresses the vehicular access (driveway, ramp, and garbage collection) and parking design concerns. As a result, the Board stated the pedestrian experience from 15<sup>th</sup> Avenue Northeast to the main residential entry should also be enhanced further. The Board cited concerns regarding the pedestrian entry sequencing, pedestrian safety and pedestrian security.**

**In regards to the pedestrian safety and security onto the site, the Board acknowledged the exterior lighting provided by the existing fixtures underneath the retail building canopy. However, the Board stated the design didn't clearly identify the entire lighting sequence from the street to the residential entry and proposed exterior lighting for the plaza area. Additionally, the Board questioned how the plaza area would be secured. Therefore, the Board wants to review a design that incorporates continuous lighting along the entire pedestrian access. Also, exterior lighting and security methodology (fencing, gates, etc.) for the plaza area should be shown in detail.**

**The Board expressed concern with the pedestrian entry sequencing and continuity-specifically, between the canopies, banners and pathways. The Board noted the existing retail canopy, the proposed canopies and curved pathway aren't integrated well enough to provide a clear and seamless gesture towards the entry of the street that signals the main entry to the proposed residential building. Additionally, the Board was hesitant to advocate inclusion of the banners. They stated the proposed banners read more commercial than residential. Therefore the Board wants to review a pedestrian access design that is well integrated and provides a seamless transition from 15<sup>th</sup> Avenue Northeast to the residential entry from a pedestrian's perspective. Suggestions such as suspended potted plantings, incorporation of color or style from the existing retail canopy with new canopies, inclusion of the curve gesture identified in the pathways into possibly the line of the new canopies were mentioned by the Board as methods to explore in order to possibly achieve this design goal. The Board also encourages the applicant to investigate whether the existing retail canopy can be modified since both the retail site and the subject site are under common ownership.**

**The Board agreed that since the proposed residential building's easternmost façade is the most visible to pedestrians; it is paramount that this façade be distinguished and adds to the vibrancy of 15<sup>th</sup> Avenue Northeast. As a result, the Board expressed concern with the expansive amount of blank walls shown on this facade. The Board stated further exploration of both the fenestration and wall treatment along this façade is needed in order to create a façade that is more conducive to the residential building from the perspective of the pedestrians along 15<sup>th</sup> Avenue Northeast, as well as, strengthen the southeast corner gesture. The Board also suggested the following possible methods to achieve this design**

**goal: additional glazing; roof cornices; siding treatments that could potentially add more detail, texture, etc. One (1) Board member commented that without further development of this façade, it takes on a “billboard effect”.**

**Signage was also discussed by the Board. The design includes conceptual signage arranged in a vertical format on the proposed building’s easternmost façade, near the southeast corner at a prominent height. The Board is pleased with the metal material proposed for the signage and agreed the signage location is appropriate. However the Board questioned if the combination of the scale of the proposed lettering (each letter 2’ in height), the lighting behind the lettering and the quality of the graphic would be appropriate. Therefore, the Board strongly encouraged the applicant to work with a graphic designer to create a model study that deals with the combined lettering scale and backlighting appropriately and investigate a logo type signage as an option to add interest and serve as a more distinctive way finder element to the proposed residential property.**

*At the Final Recommendation meeting, The Board expressed satisfaction that the design incorporates adequate lighting to assist in pedestrian safety and security onto the site. The conceptual lighting plan presented identified recessed lighting, step lighting and exterior lighting in the courtyard area; recessed downlights and lighting underneath the proposed canopies.*

*The Board was pleased that the proposed canopies incorporate the curved gesture identified in the proposed pathways; will provide some weather protection; and will be painted a color similar to the existing canopy (green) or to the proposed brick façade (reddish hues). The Board also recommended that seating in the form of benches or walls be provided along this pedestrian path and incorporated into the design.*

**Board Recommended Condition:**

- 1. Seating in the form of benches or walls should be provided along the pedestrian path.*

*The Board was satisfied with the revisions to the easternmost and northernmost upper façades. The Board agreed that the inclusion of additional glazing, modulation, wall treatments and fenestration along the easternmost façade assists in making this façade more distinguished.*

*No signage model study was presented at the Final Recommendation meeting. As a result, the Board voiced concern regarding future signage. The Board discussed at length concerns regarding the appropriateness of future signage for the residential development and whether or not the Sign Code is adequate to mitigate the possibility of ostentatious lettering. Ultimately, the Board agreed that the Sign Code would regulate the lettering size and scale. However, the Board reiterated that the applicant work with a graphic designer to create a model study and further encouraged the use of a logo type signage.*

<b>E. Landscaping</b>
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***E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites***

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

***E-2 Landscaping to Enhance the Building and/or site***

*Landscaping, including living plant material, special pavements, trellises, screen 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 high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

Landscaping should enhance the prior guidelines, by creating a transition from neighboring lots and from the street, softening edge conditions and by helping create a green streetscape. The Board looks forward to reviewing a detailed landscape plan that includes landscaping and screening along the property lines, open space areas and residential entry. The plan should also include details regarding the preservation of the existing exceptional tree.

**At the Initial Recommendation meeting, the Board was pleased with proposed landscaping along the property lines, the terraced planting area between the garage and the south boundary line, the incorporation of a pea patch and planting in the plaza area. The Board noted, however, the proposed landscaping along the proposed pedestrian path does not relate well to the proposed canopies nor has the inclusion of permeable paving been explored as an opportunity to mitigate the extensive use of paving on the site. Therefore, the Board would like to review a design that addresses this concern at the next meeting.**

**The Board strongly agreed that the existing Pacific madrone tree located near the subject site's western boundary 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 was pleased with the proposed landscaping along the pedestrian path and near the northernmost property line identified in the revised landscape drawing. This same drawing also depicted a red embossed paved pedestrian path. The Board voiced concern that the red colored paving may appear too garish and encouraged the applicant to utilize a color that will work well with the masonry veneer proposed on the lower portion of the structure.*

***Board Recommended Condition:***

- 2. For the proposed pedestrian path embossed paving material, utilize a color that will complement the masonry veneer proposed on the base of the residential building.*

***Board Recommended Condition:***

- 3. A Tree Preservation Plan should be completed for the existing Pacific madrone tree located near the subject site's western boundary line.*

**Design Review Departure Analysis**

No departures from the development standards were requested and recommended for approval.

### **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 April 21, 2008 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. As described under Guidelines E-2, the extensive landscape design shown in the terraced planting area between the garage and the south boundary line, the incorporation of a pea patch and planting in the plaza area; and along the pedestrian pathway.
2. As described under Guideline C-4, the building materials presented at the Final Recommendation meeting.
3. As described under Guideline D-2, the changes to the easternmost and northernmost upper façades presented at the Final Recommendation meeting. These changes include adding additional glazing, modulation, wall treatments and fenestration along the easternmost façade.

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 from 15<sup>th</sup> Avenue Northeast, the Board was particularly interested in the establishment of an attractive design that would improve upon the existing streetscape, while being sensitive to the neighboring residential neighbors and well integrated with existing surrounding commercial uses. The Board recommended the following refinements to the design:

4. Seating in the form of benches or walls should be provided along the pedestrian path.
5. For the proposed pedestrian path embossed paving material, utilize a color that will complement the masonry veneer proposed on the base of the residential building.
6. A Tree Preservation Plan should be completed for the existing Pacific madrone tree located near the subject site's western boundary line.

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 that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of 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 (3) members of the Northeast 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 acknowledges the street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood’s unique conditions. Most of the recommendations made by the Design Review Board have already been reflected in the plans. The Director accepts the conditions recommended by the Board that further augment compliance with Guidelines A-7, A-8, C-2, C-3, C-4, D-1, D-2, D-7, D-12, E-1, E-2, and E-3.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include most of the recommendations of the Design Review Board. As conditioned, the final plans must reflect all of the Design Review Board recommendations prior to issuance of the Master Use Permit.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three (3) 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 design and conditions imposed result in a design that 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 three (3) 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 August 8, 2007. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related activities on this site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, earth, grading, streets, parking impacts, pedestrian circulation and greenhouse gas emissions.

### Noise

Noise associated with construction of the building on the subject site could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site. Therefore, as a condition of approval, construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 6:00 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

### Earth

The ECA Ordinance and Director's Rule (DR) 3-2007 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a limited Geotechnical Engineering Evaluation Report prepared by Jay C. Davenport, P.E. (Alkai Consultants, LLC.) dated July 26, 2005 and a Geotechnical Report Addendum prepared by the Marcus B. Byers, P.E. (Kleinfelder) dated November 8, 2006. The reports evaluate the soil and site conditions and provide recommendations for erosion and drainage controls, grading, earthwork, foundation construction, slab-on-grade support and retaining walls.

The summary of the Geotechnical Report Addendum's findings is the following: "Based on the Geotechnical Report (by Alkai Consultants, LLC.), soil conditions encountered in the boring nearest the slope consisted of 16 feet of loose to dense sandy fill overlying dense outwash...Based on our surficial site reconnaissance, review of available geotechnical and topographic data, and the planned structure, it is our opinion that the planned structure can be constructed without adverse impacts to the slope or adjacent structures. This includes excavation into the slope and removal of large trees located within the structure footprint." The submitted report and report addendum, which is located in the project file, further details the specific requirements for proper installation of foundations; retaining walls; pavements; drainage; excavation; grading techniques; site preparation; and seismic considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the Stormwater, Grading and Drainage Control Code (SGDCC) (SMC 22.802.015 D). As such,

there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geotechnical engineer prior to issuance of the permit. The SGDCC 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.

### Grading

According to the proposal and the geotechnical study, onsite grading will occur during the excavation phase to establish desired building grades; to allow for the structure's foundation; and, to allow for the installation of retaining walls. Approximately 12,000 cu. yds. of material will be removed from the subject site, which could create potential earth-related impacts. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. Compliance with SGDCC (SMC 22.804.040) will require the proponent to identify a legal disposal site for excavation debris prior to commencement of construction. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction-Related Streets, Parking and Pedestrian Circulation

The Street Use Ordinance includes policies that regulate dust, mud and circulation within the public right-of-way. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT). The sidewalks along 15<sup>th</sup> Avenue Northeast are pedestrian routes which should be kept open to the greatest extent possible. Construction activities may result in sidewalk closures or other obstacles to pedestrians.

Per SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is available but it is unclear what the effects of possible spillover parking may occur onto neighboring site's surface parking areas. No parking is allowed along nearby streets-15<sup>th</sup> Avenue Northeast and Northeast 145<sup>th</sup> Street specifically.

This proposal includes on-site excavation/grading on the subject site. This area of the City is known to have congested streets, especially during peak hour traffic periods. Large construction vehicle associated with grading, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinances to address the impact of large vehicles or highly congested streets. As a result, mitigation is warranted as described below.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address pedestrian circulation, parking and transportation impacts during construction (SMC 23.05.0675.B. Adverse impacts

are not adequately mitigated by existing City codes nor identified by the applicant. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675.B). Pursuant to this policy, a construction transportation management plan (CTMP) addressing street/sidewalk closures, construction employee parking, as well as truck routes and hours of truck traffic, will be required to mitigate identified impacts.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

### Traffic and Transportation

Gibson Traffic Consultants, Inc. prepared a Trip Generation/Distribution Scoping Study (dated August 7, 2007) for this proposal-referenced in the report as the “Jackson Square MF residential development”. This report is divided into three (3) sections: trip generation, trip distribution and parking analysis. The analysis in this report is based on a residential development consisting of a total of sixty-five (65) apartment units. Vehicular access to the development would be provided via a proposed driveway from 15<sup>th</sup> Avenue Northeast.

The following roadways are adjacent to and nearby the proposed site:

- 15<sup>th</sup> Avenue Northeast is a two-way, north-south roadway. It is classified as a Principal Arterial by the City of Seattle and serves multiple bus routes in the area. This roadway has five (5) travel lanes and a center east/west turn lane. No parking is allowed on this portion of the roadway.

- Northeast 145<sup>th</sup> Street is a two-way, east-west roadway. It is classified as a Principal Arterial by the City of Seattle. This roadway has five (5) travel lanes and a center north/south turn lane. No parking is allowed on this portion of the roadway.

The traffic volume resulting from this project was estimated by using the *Institute of Transportation Engineers (ITE) Trip Generation Manual (7<sup>th</sup> edition)* for the category of “Mid-Rise Apartment”. The report states the new development would generate approximately 275 net new daily trips, of which twenty (20) would be generated during the AM peak hour, and twenty-five (25) trips during the PM peak hour.

The transportation report states, “It is anticipated that 75% of the site traffic will travel along 15<sup>th</sup> Avenue Northeast, 40% to and from the north and 35% to and from the south. The remaining 25% of the site traffic will travel along Northeast 145<sup>th</sup> Street, 10% to and from the east and 15% to and from the west.”

In summary, there will be approximately twenty-five (25) additional trips in the PM peak hours associated with the proposed residential development. Overall, it is predicted that this small increase in additional trips will not adversely impact the existing levels of service of the identified intersection. Therefore, no SEPA mitigation of traffic impacts is warranted.

#### Parking

The Land Use Code requires a total of eighty-five (85) parking spaces for the residential development. The submitted plans indicate a total of eighty-seven (87) enclosed parking spaces are provided.

A parking analysis was included with the Trip Generation/Distribution Scoping Study prepared by Gibson Traffic Consultants, Inc. (dated August 7, 2007) to assess how closely the proposed number of parking spaces would match the anticipated peak parking demand. Based on researched information from the *Institute of Transportation Engineer’s (ITE) Parking Generation (3<sup>rd</sup> edition)*, the traffic consultant estimates a peak parking demand rate of 1.17 parking stalls per unit. Using this multiplier, the estimated parking demand during peak hours would be seventy-six (76) parking spaces based on a sixty-five (65) unit residential building. The proposed development will provide a total of eighty-seven (87) parking spaces which exceeds the estimated peak parking demand. As a result, the development should have adequate onsite parking to meet estimated peak parking demand. No mitigation of parking impacts is necessary pursuant to SEPA.

#### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This

constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

### **CONDITIONS – DESIGN REVIEW**

#### **Prior to Issuance of the Master Use Permit (Non-Appealable)**

1. Update the submitted MUP plans to reflect those architectural features, details and materials described at the Design Review Recommendation meeting; and all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. Additionally, the following recommendations should shown on the plans:
  - The plans shall show seating in the form of benches or walls being provided along the pedestrian path.
  - For the proposed pedestrian path embossed paving material, identify a color that will complement the masonry veneer proposed on the base of the residential building; subject to review and approval by the DPD Land Use Planner.

#### **Prior to Issuance of the Grading or Building Permit**

2. Submit a tree protection landscape plan and report prepared by a tree professional that meets requirements per 25.11.050.B, C and D. The tree protection landscape plan shall include precise measurements of the root protection zone and identify specific measures to assist in protecting the identified tree(s) to be preserved. Final approval of the plan must be granted by the City of Seattle Forester.
3. The plans should reflect those architectural and landscape features, details and materials described under Guidelines C-4, D-2 and E-2.

#### **During Construction**

4. The tree protection plan for the Pacific madrone tree located on the subject property shall be adhered to.

#### **Prior to Issuance of a Certificate of Occupancy**

5. Seating in the form of benches or walls shall be installed along the pedestrian path.
6. The proposed pedestrian path embossed paving material shall be a color that is complementary to the masonry veneer located at the base of the residential building.

### **NON-APPEALABLE CONDITIONS**

7. Prior to Issuance of the Certificate of Occupancy, compliance with conditions 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.

8. 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 (Tamara Garrett, 684-0976), 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.
9. 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 three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
10. 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.
11. Embed the 11" x 17" colored elevation and landscape drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Tamara Garrett, (206 684-0976) 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.**

### **CONDITIONS - SEPA**

#### **Prior to Issuance of the Grading or Building Permit**

12. In order to address construction related transportation and parking impacts, the responsible party shall submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). A construction transportation plan for workers and truck deliveries/routes shall be prepared to minimize disruption to traffic flow on adjacent streets and roadways. This plan shall include a requirement that truck trips be scheduled to avoid peak periods of 4:00 – 6:00 pm, Monday through Friday. The plan shall consider the need for special signage, flaggers, haul route definitions, street cleaning; identification of construction-worker parking; identification of potential street and/or sidewalk closures; coordination with Metro Transit relative to construction activity that could affect transit service proximate to the project site; vehicle and pedestrian circulation and safety.

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.

13. Comply with the provisions set forth by the approved Construction Transportation Management Plan.
14. The construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 6:00 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: \_\_\_\_\_ (signature on file) Date: July 14, 2008  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

TYG:lc

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