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:	3006143
Applicant Name:	Greg Wharton, Meng Strazzara Architects for Essex Property Trust
Address of Proposal:	1620 Broadway

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six story building containing 15,000 sq. ft. of retail at ground level, 11,500 square feet of office use at the second level and 118 residential apartments. Parking for 166 vehicles to be provided below grade. Existing structure to be demolished. Project includes 29,500 cu. yds. of grading.

The following Master Use Permit components are required:

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

1. Residential Amenity Area – To limit access to residential amenity area (SMC 23.47A.024.B1)

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

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

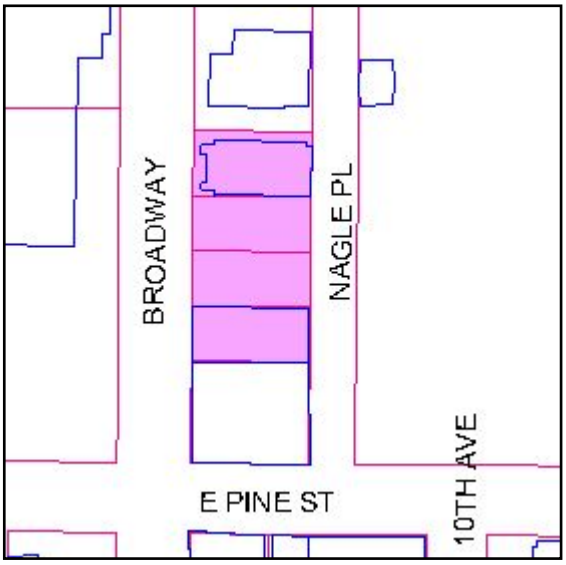
[X] DNS with conditions*

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

* Notice of Early DNS was published on August 2, 2007.

BACKGROUND DATA

Site & Vicinity Description



The 32,000 sf site is comprised of four lots, three of which are surface parking lots and the fourth contains a one story commercial structure to be demolished. The entire site is zoned NC3-40 and can be increased to 65 feet provided that portions of the structure above 40 feet contain only residential uses. The site lies within a Pedestrian (P1) zone as well as the Capitol Hill Urban Village Commercial Zone Overlay and a Light Rail Station Overlay.

The mid-block site is defined by Broadway to the west and Nagle Place to the east. East Pine Street defines the block to the south. Abutting the site to the south is a two story, commercial building (AEI Music) and the site immediately to the north contains the Community College Bookstore and a pedestrian passage way to Nagle Place to the east. Across Broadway to the west are Seattle Central Community College and the Broadway Performance Hall. Across the Nagle Place alley is Cal Anderson Park play fields and tennis courts.

Proposal

The proposal includes the construction of a new six story building with approximately 91 residential units, 27 student housing units, 13,440 square feet of ground level retail uses, 12,470 square feet of office uses located at the second story and below grade parking for approximately 166 vehicles. Vehicle access to the site is proposed from Nagle Place.

Public Comments

Approximately three members of the public attended the Early Design Guidance meeting on April 18, 2007. The following comments were offered:

- Site is an excellent location and shape for a really exciting development.
- Project design needs to address both Broadway and Nagle Place as streets, even though Nagle Place is technically considered an alley. Both facades are highly visible.
- The Broadway sidewalk width should 18 foot minimum, especially as it is the sunny side of the street.
- Creating a strong commercial edge along Broadway is important.
- The residential entrance along Nagle should have a strong presence. Integrating ground related units along Nagle should also be considered.
- The proposed modulation shown along Broadway in scheme 3 creates awkward proportions in terms of the horizontal treatment. The older industrial buildings of Ballard would provide a good example of a better scale.

- The planting areas should be at least three feet deep to accommodate significant vegetation. Perhaps the strip of grass between the tennis courts and Nagle Place could be improved by the project proponents.
- Would like to see buildings materials that are warm, such as brick with stone and pre-cast details.
- Concerns with the blank wall shown on the southern end of the east façade.
- Feels the Broadway modulation is too busy and doesn't relate well to the surrounding buildings.
- Materials must relate to the neighborhood.
- Concerns that the pollution created by autos using the porte cochere is unhealthy for those using the tennis courts.
- Would like to see lots of greenery along the eastern side of the site.
- Wonders whether the second floor office use will work on Broadway.
- This is a big massive building that needs to be more creative in terms of the design.
- The walkway between the site and the bookstore to the north is too narrow and needs to have more light given the high volumes of foot traffic that use this passageway. The building should be less imposing on this space.
- Sound Transit will be designing a tunnel under a portion of the site and will be working with the applicant to ensure that the two projects are compatible.

Approximately five members of the public attended the Recommendation meeting held on October 10, 2007. The following comments were offered:

- Appreciate the tasteful and elegant design, particularly the accent color, landscaping design and bike parking provisions.
- Interested in whether there will be a 24-hour on site manager.
- The landscaping plan is well developed, especially with the large specimen tree proposed off of Nagle Place.
- Wonder whether the south elevation will include blank facades.
- Would like to see more reference to the building materials found along the Pike/Pine corridor.
- The porte cochere entry is still is proposed and is of concern.
- Oppose granting the proposed departures.
- The student housing should not appear any different than the rental housing.
- There is no reference to the historical character of the neighborhood.
- This is a huge project with a lot of information to absorb. Find the proportions well considered, as well as the generous glazing and building lines.
- The large trees, setbacks and willingness to not maximize the FAR allowance are all commendable.
- The design is too understated. However, the materials are high quality and the proportions are elegant. Nagle is well landscaped.
- Concerned with the balcony shown at the northwest corner as it undermines the vertical element. Also find the glass awning too fussy and out of character.
- Supports the drive court entry area off Nagle and believe it will activate Nagle.
- Supports the materials, rhythm and landscaping designs.
- The large size of the project is daunting, but likes the landscaping and smaller commercial spaces.

- The stone surface should be treated with an anti-graffiti finish.

The SEPA comment period for this proposal ended on August 15, 2007 and was extended by request to August 29, 2007. Two comment letters were received requesting to be listed as a Party of Record.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting, the architect described the site context and proposed program for a mixed use building to be located on the site. Three schemes were presented at the meeting. All of the options include below grade parking, ground level retail along the Broadway side, office uses at the second level and access from Nagle Place. The primary residential entrance is shown off of Nagle Place and a secondary residential entrance off of Broadway. The first scheme (Option A) proposes a U-shaped building with a continuous plinth along Broadway and a courtyard area facing east. The second alternative (Option B) proposes an H-shaped building over a continuous one-story retail plinth facing Broadway. The third and preferred scheme (Option C) shows a massing configuration of a modified U-shape that breaks up the façade along Broadway, emphasizing three-story massing at the north and south western corners. The bookend massing shown at the northwestern corner would house the student housing units on the upper floors with a restaurant retail use at the ground level. Option C provided greater detail for the proposed porte-cochere element along Nagle Place, as well as showed two commercial spaces at sidewalk level on Nagle Place.

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.

The Design Review Board reviewed the final project design on October 10, 2007, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Final Recommendation meeting, a more refined proposal was presented by the design team, including the projects architects, developer and landscape architect. At the Recommendation meeting, a further developed design was presented to the Board. Along Broadway, the building has been configured into three principal masses. The commercial uses wrap around the northwest corner to the pedestrian passage way connecting to Nagle Place to the east. This passage area is envisioned as an urban gathering space. Nagle Place has also been developed with a commercial space and an active residential entry area/drive court. The Board was also very pleased with the large scale graphic presentation.

Site Planning

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

Capitol Hill-specific supplemental guidance:

Retain or increase the width of sidewalks.
Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.
Vehicle entrances to buildings should not dominate the streetscape.
Orient townhouse structures to provide pedestrian entrances to the sidewalk.
For buildings that span a block and "front" on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.
New development in commercial zones should be sensitive to neighboring residential zones. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.

The Board thinks the sidewalks should be widened along Broadway. The relationship between the retail façade and the retail entries should be well-considered and detailed. See also, A-4. The Board strongly agreed that the Nagle Place side of the site should be developed as a pedestrian-friendly street. They discussed at length that this right-of-way is highly visible from the park and well-used by pedestrians cutting through to the park, Pine Street and Broadway.

At the Recommendation meeting, the Board was pleased, with the large, transparent storefront windows along Broadway, the wide sidewalk and landscaping. See also A-4. Along Nagle, the Board was supportive of having operable windows in the commercial space that faces the park across the street.

A-4 **<u>Human Activity</u>. New development should be sited and designed to encourage human activity along the street.**

Capitol Hill-specific supplemental guidance:
Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street.
Provide for outdoor eating and drinking opportunities on the sidewalks by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.
Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.

The Board agreed that the design of commercial spaces should encourage flexibility and expression of the future individual businesses. However, the Board noted that the design of these retail spaces should lend continuity to this very long façade. The Board will be very interested in seeing detailed larger scaled street level elevation studies presented at the next meeting.

The Board expressed concern with the elevated courtyard on Nagle Place and felt that it would more successfully is located at grade. They agreed that the courtyard should be configured to encourage interaction with pedestrians, as well as maximize accessibility to ensure the space is well-utilized.

At the Recommendation meeting, the Board was very pleased with the breaking up of the retails frontage along Broadway into 15-foot increments, the recessed individual entries to the retails spaces, the large transparent storefront windows and tile kick plates, the overhead canopies, blade signs, surface mounted lighting fixtures and the extension of the Broadway tile mosaic strip along the sidewalk. The sidewalk along Broadway has also been widened to between 15 and 17 feet, including the planting strip.

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

The Board agreed that the design and building program should encourage pedestrian activity. The commercial spaces should utilize transparent windows and overhead weather protection and other details that encourage pedestrian traffic to, from and around the site.

The Board agreed that the project should provide a continuous street level façade along Broadway in order to reinforce and contribute to a vibrant street life that currently breaks down in this block along Broadway.

At the Recommendation meeting, the Board was pleased that the design responded to this guidance with uninterrupted commercial frontage along Broadway.

A-7 **<u>Residential Open Space</u>. Residential projects should be sited to maximize opportunities for creating usable, attractive and well-integrated open space.**
Capitol Hill-specific supplemental guidance:
Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.
Create substantial courtyard-style open space that is visually accessible to the public view.
Set back development where appropriate to preserve a view corridor.
Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.
Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.
Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.
Use porous paving materials to minimize stormwater run-off.

The Board agreed that the open space courtyard is an excellent opportunity to draw views to and from the park and extend the sense of greenery and open space. The Board noted that the courtyard should be better integrated into the building architecture. The Board would like to see significant vegetation integrated into the courtyard open space. The Board was very concerned how the proposed porte cochere use would work with the courtyard and not deteriorate from the pedestrian experience of the open space. The Board would prefer the courtyard be at grade and accessed directly from Nagle Place.

At the Recommendation meeting, the Board was pleased with the landscape design proposed for the terraces open spaces.

A-8 **<u>Parking and Vehicle Access</u>. Automobile impacts on adjacent properties and the pedestrian environment should be minimized.**
Capitol Hill-specific supplemental guidance:
Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.

The Board was adamant that the proposed porte cochere off Nagle Place would be an inappropriate and unnecessary piece of the building program, which already proposes two other driveways along this same elevation. The Board strongly urged the applicant to abandon the porte cochere concept and instead focus on developing Nagle Place as more of a residential front to the project, with open space, vegetation and possibly ground level units.

At the Recommendation meeting, the Board was supportive of the reduction in the number of proposed driveways and the minimization of the driveway presence at the entry drive court area.

Height, Bulk, and Scale

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

Broadway-specific supplemental guidance:
Help maintain and enhance the character of Broadway by designing new buildings to reflect the scale of existing buildings.
Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials.
The pedestrian orientation of Broadway should be strengthened by designing to accommodate the presence or appearance of small store fronts that meet the sidewalk and where possible provide for an ample sidewalk

The Board expressed concern that the west façade was overly modulated, creating a somewhat incoherent massing. The Board supported the concept of pushing the mass towards the two ends, thereby book-ending the building and responding to the building and uses on either end. See also C-1 and C-2.

The Board also noted that shadow impacts from the site to Cal Anderson Park should be minimized to the greatest extent possible.

At the Recommendation meeting, the Board felt that the reduced FAR of the proposed design was sensible given the large scale of the project and strong presence along Broadway and Nagle.

Architectural Elements

C-1 <u>Architectural Context</u>. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board noted that this building will help reinforce the critical intersection of Broadway and Pine. The Board suggested that references to the building typologies and materials found in the nearby Pike Pine Neighborhood and enumerated in the Pike Pine Design Guidelines would be both appropriate and desirable.

At the Recommendation meeting, the Board did not discuss this guidance further.

C-2 <u>Architectural Concept and Consistency</u>. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building.

Capitol Hill-specific supplemental guidance:

Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.
Solid canopies or fabric awnings over the sidewalk are preferred.
Avoid using vinyl awnings that also serve as big, illuminated signs.
Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.

The Board looks forward to seeing a cohesive architectural design that strives for a bold design that is reflective of the varied and creative community. The Board would like the west façade to be simplified in terms of the modulation, essentially to make fewer moves that are bolder. The Board supports recessed balconies that are not distracting from the architecture. Referencing the historic auto row warehouse building types found in the Pike Pine neighborhood would be desirable. The Board liked the concept sketches of the ground level commercial use along Broadway.

At the Recommendation meeting, the Board was pleased with the appearance of a two story commercial base along Broadway with the residential stories above set back to reinforce the break between the uses and provide horizontal articulation.

The two corner masses act as bookends to the lengthy central space. The base of the south bookend rises to three stories in height and uses a datum line that responds to that of the abutting building to the south.

The Board strongly agreed that the execution of the details in the construction of this building will be critical.

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

Capitol Hill-specific supplemental guidance:

Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.

Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.

See A-2 and A-4.

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

Capitol Hill-specific supplemental guidance:

Provide operable windows, especially on storefronts.

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

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

The Board looks forward to reviewing a more detailed materials and color board that is reflective of and responsive to the character of Broadway and the neighborhood. Specifically, the Board would like to see warm materials, brick and other masonry used.

At the Recommendation meeting, the Board was supportive of the taupe colored pre-cast stone cladding along the base with hardipanel in three shades of brown for the upper stories. A copper colored banding is proposed along with red accents. These materials and colors occur on both the Broadway and Nagle facades.

The Board also supported the proposed red accent color located in the eaves and soffits of the roof and projecting decks. They also agreed that the large storefront windows with transom glazing for the retail uses is very appropriate. The colored panes used as accents to the retail fenestration is a commendable detail. The residential fenestration is a dark bronze colored vinyl window system.

C-5 **<u>Structured Parking Entrances</u>. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. As stated earlier, the Board recommends that the porte cochere feature be eliminated from the design concept. The Board also suggested that the two access points shown along Nagle Place be consolidated into a single driveway.

At the Recommendation meeting, the Board was pleased that the single and one-way driveway off of the entry drive court was minimized and tucked into the building so as to not dominate the residential entry area.

Pedestrian Environment

D-1 **<u>Pedestrian Open Spaces and Entrances</u>. 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.**

Capitol Hill-specific supplemental guidance:

Provide entryways that link the building to the surrounding landscape.
Create open spaces at street level that link to the open space of the sidewalk.
Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.
Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.

The Board agreed that Option C is preferred, but emphasized that the residential courtyard should be maximized and programmed to benefit of the residents. Views to this courtyard should be maximized. The Board is concerned that the functionality of the interior courtyard be maximized. The Board looks forward to reviewing a high-quality, well programmed and well landscaped courtyard level open space design. The Board also stressed that solar access should be maximized to the site's open spaces.

The Board was also very interested in the design of the north elevation and how it interacts with and enhances the pedestrian passage way that connects Broadway and Nagle Place. This space should be safe and inviting. The Board supported the proposed width of 27 feet between buildings, but stressed that this space should be well lit and well-designed to create a special sense of Place, both for the public as well as for the student housing entrance proposed at this end of the building.

At the Recommendation meeting, the Board was very pleased with the preservation of and improvements to the pedestrian thoroughfare between Broadway and Nagle. The space is landscaped with trees, permeable pavers and a green screen along the

south side (affixed to the north façade of the building). The Board envisions this area to be an active, well-utilized and pleasant passageway, while also serving as the entrance to the student housing units.

The Board also agreed that the primary residential entrance on Nagle to the non-student housing units was well-distinguished and managed to appear as a pleasant pedestrian entry that is not dominated by the auto traffic circulation. The decorative pavers reflect the building colors and patterns and the focal point is a large specimen tree planted within a raised planter at the center of the court. The curb-less design is reminiscent of the *woonerf* concept, giving preference to the pedestrians entering and exiting the building, over the vehicles navigating over the drive court.

See also A-4.

D-2 **<u>Blank Walls</u>. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

The Board noted that the ground level facade along Nagle Place and the north elevation abutting the pedestrian pass-through should not have blank façade segments and should integrate transparent glazing or features with visual interest.

At the Recommendation meeting, the Board was supportive of the activation of the Nagle Place façade with the commercial space, main residential entrance and generous landscaping.

D-5 **<u>Visual Impacts of Parking Structures</u>. 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.**

The Board opposed the porte cochere element on Nagle Place and found it both functionally and visually contrary to the strong pedestrian neighborhood, the future light rail station one block away and the park open space across the right-of-way. The Board warned that the building should not turn its back to the park.

At the Recommendation meeting, the Board was very pleased that the porte cochere structure was eliminated, that the second driveway point was eliminated and that the access through the entry drive court is for one-way traffic only. Aside from this access point, the only other point of access is the two-way driveway located at the south end of Nagle Place.

D-6 **<u>Screening of Dumpsters, Utilities and Service Areas.</u> New developments 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.**

Broadway-specific supplemental guidance:

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

The Board noted that live-work units at ground level along Nagle Place would likely be a realistic use for that location.

At the Recommendation meeting, the Board did not discuss this issue.

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.**

The Board noted that all of the residential entries should be distinct and emphasized to be welcoming and recognizable. The Board discussed that having a more prominent residential entry off Broadway might offer a nice break from the length of commercial uses along this long façade.

See D-1.

Landscaping

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.**

Capitol Hill-specific supplemental guidance:

Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character along a corridor.

Supplement and complement existing mature street trees where feasible.

Incorporate street trees in both commercial and residential environments in addition to trees onsite.

Commercial landscape treatments that include street trees.

The Board stressed that the project should include green buffers, such as street trees and well-landscaped open spaces, to soften the scale of this large sized building. The Board also urged that the courtyard design should respond to the great neighborhood amenity of the park and create sensitive views of the site from the park that serve to enhance the character of both the public park and private courtyard.

The Board was very supportive of the courtyard concept and stressed that the programming and usability of the courtyard space will be critical. The Board looks

forward to reviewing details of a well-programmed, detailed design for the open spaces integrated throughout the project.

At the Recommendation meeting, the Board was pleased with the landscaping design proposed for Broadway which included a continuous box wood hedge and street trees. Likewise, the landscaping plan for Nagle was extremely well received. Rather than the active urban character of Broadway, the Nagle side is quieter. Generous landscaping is proposed for the drive court, along the building edge, across the street at the edge of the tennis courts (to be coordinated with the Parks Department) and continuation of the planting strip and street trees along the length of the subject site and extending to Pine Street. The Board specified strong support for the proposed improvement to the Parks across Nagle. The Board supported the proposed large specimen tree proposed as the focal point of the entry drive court. The rooftop terrace area off of Nagle will be adorned with potted plants.

Design Review Departure Analysis

One departure from the development standards were proposed at this meeting. The Code (SMC 23.47A.024.B1) requires that all residents have access to at least one residential amenity area. The proposed design includes residential amenity areas that will not be accessible to all residents. The Board was unanimously supportive of the departure request given the proximity to the park across Nagle Place and the extensive landscaping on three sides of the project and extending beyond the site along Nagle to Pine Street and across Nagle to the park edge.

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 October 10, 2007 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-10 and C-2:
    a) widened sidewalk;
    b) recessed store entries;
    c) overhead canopies;
    d) blade signs;
    e) exterior surface mounted light fixtures;
    f) extensive planting in the right-of-way;
    g) tile kick plates and tile mosaic on Broadway; and
    h) large, transparent storefront windows on Broadway and operable windows on Nagle.

2. As described under Guideline E-3, the entry woonerf design and residential courtyard design presented at the Final Design Review meeting.
3. As described under Guideline C-4, the building materials presented at the Final Design Review 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 Broadway and Nagle Place, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote high quality architecture.

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

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

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

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

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four members of the Capitol/First 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 unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guideline E-3 and supports the case in favor of granting a departure from the residential amenity standards.

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

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures 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 June 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 Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

- The applicant estimates approximately 29,500 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by demolition and excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from demolition and excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration;
- Consumption of renewable and non-renewable resources.

Air Quality

The indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture 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 due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

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 & Excavation

The 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. A Geotechnical Report was submitted by The Riley Group, Inc dated May 30, 2007 for review by the City. The current proposal involves excavation of approximately 29,500 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 a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 2,950 single-loaded truckloads to remove the estimated 29,500 cubic yards of material.

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

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

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

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

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

Noise

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm 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 upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

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 and air quality impacts is warranted

Parking

A traffic study was submitted to DPD by Transportation Engineering NorthWest, LLC dated June 20, 2007 evaluating the parking impacts of the proposed development. The 166 parking spaces provided by the proposed development are all located on-site. The parking spaces are distributed between two levels of below grade parking, all within the proposed structure. Both levels are accessed via one, two driveway and one one-way driveway off of Nagle Place. The existing site contains a private parking lot with 28 stalls and a pubic lot with 85 stalls. Both of these surface parking lots will be removed as part of the proposed development.

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

Parking Demand Calculations: Proposed Uses

Use	Use Per ITE Land Use	Independent Variable	SMC Required	ITE Peak hour	Total Spaces per ITE	8% Internal Crossover Rate	Proposed
Proposed	Mid Rise Apartment (ITE 221)	118 units	0	118	186	171	166
Proposed	Retail	15,000 SF		40			
Proposed	Office	11,500 SF		28			

According to the ITE report, the 15,000 square feet of retail uses and 11,500 associated with the proposed project would require approximately 173 parking spaces during the peak hour likely to occur during the p.m. peak hours. The 118 proposed residential units would require approximately 118 spaces during the peak hours likely between late evening and early morning. The internal crossover rate is approximately 8%, which reduces the anticipated parking demand from 186 to 171. The proposed development will provide 166 parking spaces. The anticipated demand exceeds the amount of parking provided by five stalls. It is also important to note that the demand of 171 vehicles assumes that all the uses peak at the same time; the likely peak demand will be less than this, and is expected to be accommodated by the proposed supply of 166 parking spaces. This amount of spillover is minimal, therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by Transportation Engineering NorthWest, LLC dated June 20, 2007 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the proposed development, trip generation rates associated with Multifamily Apartment, Office and Retail were used for the proposed development. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Uses

Use	Use Per ITE Land Use	Independent Variable	PM Peak Trips Generated	Subtotal	Less Pass By Trips & Internal Trips	Total PM Peak Trips Generated
Proposed	Multifamily Apartment (ITE 220)	(Unit Count) 120	84	174	31	143
Proposed	Office (ITE 710)	11,500 SF	34			
Proposed	Retail (ITE 820)	15,000 SF	56			

Using the ITE data, there will be approximately 143 additional trips in the PM peak hour associated with the proposed combination of uses. All of the intersections studied are anticipated to continue to operate at Level of Service C or better with the proposed project. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services the neighborhood and provides direct connections to downtown Seattle. Additionally, some of the project program assumptions were slightly higher in the traffic study than are actually being proposed. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

Air Quality

The number of vehicular trips associated with the project construction and eventual occupancy is expected to increase from the amount currently generated by the various sites and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

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.

[**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 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. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm 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 upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

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

4. The plans shall reflect those architectural features, details and materials described under Guidelines A-2, A-4, C-4, D-2, D-5 and E-3.

Prior to Issuance of the Certificate of Occupancy

5. Compliance with design 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.

Prior to Issuance of the Certificate of Occupancy (non-appealable)

6. A vehicular loading space, meeting the standards of the Land Use Code, shall be coordinated and approved by SDOT and located in the right-of-way (either Broadway or Nagle). In the event that SDOT denies a loading space, the proposed loading area shall be used to satisfy this provision.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

7. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

8. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

9. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

10. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

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

Signature: (signature on file) Date: June 2, 2008
Lisa Rutzick, Land Use Planner

LR:bg

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