



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:	3006264
Applicant Name:	Bryan Park, Senior Housing Assistance Group
Address:	9000 Olson Place SW & 9200 2 nd Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a low and moderate income elderly housing development consisting of three, six-story residential buildings with 449 units and one two-story community center. One of the residential structures contains 5,195 sq. ft. of commercial use at grade. Parking for 269 vehicles will be provided at and below grade.

The following approvals are required:

Administrative Conditional Use – To allow single-purpose residential use in a C2 zone (SMC 23.47A.006.B.3).

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following two Code sections: SMC 23.47A.005 (Street Level Uses) and SMC 23.47A.032 (Parking Location).

SEPA - Environmental Determination - Chapter 25.05 SMC.

Special Exception- To permit structures to exceed the height limit of the Airport Height Overlay District (SMC 23.64).

SEPA DETERMINATION:

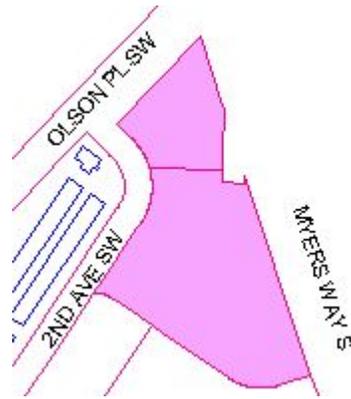
Exempt DNS MDNS EIS

DNS with conditions

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

PROJECT AND SITE DESCRIPTION

The project proposes a four building senior housing “village” containing 449 units (originally 461), with ground floor commercial space in one structure facing 2nd Avenue SW. Each of three residential structures would contain approximately 150 units each and a fourth building would contain a community center. Parking for residents would be provided in below grade garages beneath two of the residential buildings. Surface parking would be provided for the project’s commercial use, residential visitor use, and for the adjacent City of Seattle Joint Training Facility per an existing parking covenant attached to the site. Approximately 269 (originally 293) total parking spaces would be provided.



The project site is two parcels totaling approximately 173,295 square feet in area with street frontage on three rights of way: Olson Place SW, 2nd Avenue SW and Myers Way South (Note: there is frontage on a small segment of undeveloped 1st Avenue S, which protrudes into the site. However, this extends off of Myers Way S and will be considered a part of Myers Way S for this project.). The site’s southern boundary extends along the northern edge of an existing access road on the site with easement rights for vehicle access to the adjacent Metro Transit Park and Ride lot and the Joint Training Facility (JTF). The northern parcel is undeveloped and wooded; the southern parcel is paved for surface parking and currently used as overflow parking for the adjacent Park and Ride lot.

The site is zoned Commercial 2 with a 65-foot height limit (C2-65). The parcels to the south are similarly zoned C2-65. Across 2nd Avenue SW is a commercial rental storage business with C2-40 zoning. Northwest across Olson Place SW the zoning is Single-Family 7200 (SF 7200). This area is wooded and undeveloped. To the east across Myers Way South the zoning is SF 5000. This area is also wooded and undeveloped.

Public Comment

No comment letters were received during the extended comment period, which ended January 27, 2007.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Section 23.47A.004 of the Seattle Municipal Code provides that residential uses may be permitted in C2 zones as a conditional use. Section A of section 23.47A.006 states that a conditional use must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. Further, approval of the proposed conditional use may be conditioned to mitigate adverse impacts to the public welfare and to protect the public welfare and interest.

Subsection B.3 provides specific criteria to be applied to an analysis of an application for residential uses in a C2 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

SMC 23.47A.006.B.3.a Residential Uses in C2 Zones. Residential uses may be permitted in C2 zones as a conditional use subject to the following criteria:

(1) The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.

The site does not have direct access to local freeways (I-5, I-405, or I-90), State Routes (509, 518, 99, or 599) or freight rail lines. The site is located uphill and to the south from these transportation facilities through a largely wooded area that is partially zoned Single-Family. The closest interstate highway (I-5) is approximately 2.7 miles away and accessed through a series of either surface streets or state routes. The closest State Routes (SR 509 and SR 99) are more than one mile to the north. Freight rail lines are located approximately 4 miles away on the other side of a number of major arterials and highways and the Duwamish River, although there are some remaining and smaller rail spurs along the west side of the Duwamish River.

(2) The residential use generally should not be located in close proximity to industrial areas and / or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:

(a) The nonresidential use is prohibited in the NC3 zone;

(b) The nonresidential use or device is classified as a major noise generator; or

(c) The nonresidential use is classified as a major odor source.

The proposal site is not in proximity to industrial areas. The non-residential uses in the immediate vicinity are a mini-warehouse storage business to the west across 2nd Avenue SW, a Metro Park and Ride lot to the south across the private access easement road and a fire fighter training facility (the Joint Training Facility, or JTF) also to the south across the access easement road.

None of the above listed existing uses is prohibited in the NC3 zone, classified as a major noise generator, or classified as a major odor source. These uses could have positive impacts on the desirability of the area and proposed project for living purposes. The mini-warehouse storage area is likely to be useful to the project's future residents because of its proximity while the Metro Park and Ride will offer convenient access to regional transit service. The JTF should not be a nuisance or adversely affect the proposed project; the location of this project was extensively discussed with the JTF's owners and operators (Fleets and Facilities Division and Fire Departments of Seattle and King County). The agreement to provide JTF parking on the project site is the result of this consultation and an indication of its expected compatibility.

(3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

(a) The distance between the lot in question and major transportation systems and potential nuisances;

As analyzed in SMC 23.47A.006.B.3.a(1) and (2) above, the project site is not in close proximity to major transportation systems or potential nuisances.

(b) The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;

Physical buffers to protect the proposed residential use from transportation and nuisance uses are not required due to the site's contextual characteristics discussed above.

(c) The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and

This proposal should have not affect on the availability of land near major transportation systems for non-residential use. It is not in close proximity to major transportation systems.

(d) The number, size and cumulative impacts of potential nuisances on the proposed residential uses.

As noted in (2) *b* and *c* above, the uses surrounding the proposal site are not likely to create a nuisance to the proposed residential use. An examination of the Land Use Code list of allowed uses for these adjacent sites does not show the potential for likely nuisance uses in the future. Additionally, the existing development (mini-storage warehouse and JTF) and future development potential surrounding the site (two arterials that can not be developed to allow a potential nuisance, the single-family zoning across Olson Place SW, and the virtual no-build buffer to the east, formed by the wooded steep hillside between Myers Way S State Route 509 downhill to the east) effectively limits the development of future potential nuisance uses.

DECISION – ADMINISTRATIVE CONDITIONAL USE

GRANTED.

ANALYSIS - DESIGN REVIEW

At the September 13, 2007 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and discussed the two requested *Design Departures*. Following the clarifying questions deliberation, the Board provided the following additional guidance and recommendations. The Board's comments and recommendations follow EDG Guidance that is in *Italics*.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

This site is uphill and prominently located at the intersection of Olson Place SW and Myers Way S, two arterial streets leading from the regional highway environment downhill to two different neighborhoods uphill to the south and west. As such, the site is in a transitional area and a serves as a gateway to the neighborhoods beyond.

The eastern edge of the site abuts and is partially in the buffer for a wetland in the Myers Way South ROW. The southern boundary of the site, currently occupied by the private driveway, is within the Hamm Creek riparian corridor.

The design of the buildings at the prominent intersection should respond to this gateway location through a contrast in design and / or materials and massing. A design that communicates the purpose and use of the buildings and development is also appropriate.

The buffer for the off-site wetland appears to extend into the proposed building and landscape area for the northern building and the open space and JTF parking area further south along the Myers Way South frontage. Besides any required buffer enhancements, the building and site design outside of the buffers should respond to these environmental elements. A suggestion is creating viewing opportunities from building interiors and on the ground and providing site landscaping that is compatible with a wetland buffer environment.

Recommendation Meeting

The Board supports the development's entry / gateway feature location at the intersection of Olson Place and 2nd Avenue. The wooded character of the Olson Place / Myers Way corner would not be conducive to a gateway expression here. The design of the street facing facades of Building A at this corner will positively interact with the very visible and public nature of these streets, through visual interest and communication of their residential character.

The siting and fenestration of the three buildings facing the Myers Way wetland (Buildings A and C and Village Center Building B) assure a visual connection to the wetland from the residential spaces. Landscaping is proposed along this area along with a pedestrian walkway that is outside of the small areas of on-site wetland buffer and enhances the buffer by creating a transition to the built portions of the site.

The Board feels the design meets the guidance given.

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

The project proposes tenant supportive store front commercial uses in one building along 2nd Avenue SW. This Board strongly supports this direction and notes that the design of the commercial frontage should have frequent entries, extensive transparent window area, and a connection to the projects entry courtyard and the bus depot to the south. While the stated intent of the commercial use is to for tenants, patrons of the bus depot should be considered a customer source for the support and viability of these businesses.

Recommendation Meeting

Building D has commercial frontage along 100 percent of its 2nd Avenue frontage. The commercial space at the corner of 2nd Avenue across from the Park and Ride lot has been brought around the south façade for a distance of 47 feet to abut the building's south residential entry, which directly leads to the proposed cross walk connection to the bus waiting area. Overhead weather protection extends along the entire commercial frontage to the crosswalk. The north end of the 2nd Avenue commercial frontage wraps into the site's main courtyard entry.

The Board feels the design meets the guidance given.

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

The linear open space between the two southern buildings is proposed to be approximately 60 feet in width and next to two 60 foot tall buildings. Given this steep 1 to 1 ratio, care should be given to assuring the space has a comfortable human scale for users.

All open space areas should be designed to support a year round resident presence and usability.

Recommendation Meeting

The proposed design continues the approximately 1 to 1 courtyard width to building height ratio previously presented. However, a human scale should be achieved by the proposed landscaping and Building C and D courtyard facade designs. The landscape plan includes meandering paths following a linear pond / water feature, a variety of heights of plantings, including tall tree species for an intermediate level between the courtyard grade and building height. The building designs include vertical modulation from bays and horizontal modulation from interspersed protruding shed roofs, balconies and terraces.

The landscape and space plan for the open space courtyard surrounded by Building A, in conjunction with the visual interest created by the Building A design should also create year round use by residents. This courtyard will connect to the site's main plaza entry by the community center, which is more hardscape than plant material, and then on to the Building C and D courtyard. Finally, the active open space plan for residents includes a pathway that rings the site. This varies in character depending on location: along Olson Place it moves through the wooded right of way, along Myers Way it parallels the wetland and buffer and connects to the community building, and then along the access easement façade of Building D it takes on a more urban character as it parallels the curb-side parking and stoop-like ground and second level decks. The open space pathway then becomes traditionally urban as it passes the commercial frontage on 2nd Avenue before returning to the central entry plaza.

The Board feels the design meets the guidance given.

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.

A parking lot for approximately 47 vehicles is proposed to front the Myers Way South ROW. Although the parking area would be approximately 10-feet above the road surface, parked vehicles should not be visible along the frontage. The parking area as proposed may also intrude into the wetland buffer. Parking lot screening should respond to the wetland buffer environment. The possibility for expanding the parking area screening while enhancing the off-site wetland buffer should be explored with SDOT (Seattle Department of Transportation).

- *The MUP submittal should include section views that include the Myers Way South ROW, the wetland, and the parking area for planner review and presentation at the Recommendation meeting.*

The 47 car parking lot could be visually unappealing to residents of the adjacent building. The lot should be designed to break up its area and the visual harshness of the pavement. The proposed parallel parking abutting the building should help in reducing headlight glare on adjacent residential units.

Recommendation Meeting

The parking and all site development is outside of the wetland and buffer. No enhancements were made to the wetland buffer on the request of the City. The parking area will be almost 16 feet above the Myers Way roadway and extensively screened by the existing vegetation in the wetland and buffer abutting the project site, which have an approximately 60-foot depth.

Landscaping and tree islands have been included in the parking area between Myers Way and Building C. The majority of the units facing the parking are above headlight level.

The location of parking along the Myers Way frontage requires a *Design Departure*. Based on the design response to the above guidance, the character of Myers Way, and the grade change between the parking lot and the ROW, the Board feels the design meets the guidance given and ***Unanimously Recommends Approval*** of this *Design Departure* request.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

See relevant comments in A-1 above.

Recommendation Meeting

The Board feels proposed site and building designs responds to this guidance per the previous comments.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to 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.

Height, Bulk and Scale impacts on adjacent uses are not major concerns. However, the bulk and massing of the building design should respond to the site's higher and prominent location relative to the uphill approach on Myers Way South. The building design should not appear massive and should respond to the sites uphill slope.

- *Provide building sections along Olson Place SW and Myers Way S with the MUP submittal and for the Recommendation meeting.*

Recommendation Meeting

The Board feels that the design meets the guidance given. Building A, which is located in the area of greatest grade change, has been designed to reflect and follow the slope along its street frontages. See comments under C-2 below.

C. Architectural Elements and Materials

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

There is not well-defined or desirable architectural character. This can be an opportunity for the project design to establish a context that is interesting and note-worthy.

Recommendation Meeting.

The Board feels that the design meets the guidance given. The project proposes an interesting and varied, but cohesive, campus of mainly residential buildings. The project design should establish a note-worthy context to which future development could respond. See additional comments below.

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.

The proposed project will be a large campus of buildings. The overall architectural concept should display a relationship between buildings but also provide variety to lessen the projects size. Building designs should indicate the uses inside: commercial store fronts for the commercial area, indications of a semi-public use for the community center, and a residential design for the residential structures.

Recommendation Meeting

The Board felt that the overall project design is a strong response to the guidance given. The buildings largely form a cohesive whole of a residential development. The design proposes a variety of materials, colors, and forms throughout to create variety and difference, but in varying degrees on different buildings. The overall composition, in conjunction with the integrated site and landscape plans, is "very playful", and for such a large project, has substantially responded to this guidance throughout.

The Board noted the ways that the project design strays from its overall consistency and gave direction to achieve a more cohesive design.

- A variety of colors are used together throughout the project. The choice of colors are appropriate, but too many are used on some buildings and facades, particularly at the intersection of facades where the design expression changes. The design should be further developed to respond to this guidance by limiting the almost equal area given to a large number of colors and use two or three colors as the predominant palette with the remaining color choices as accents.
- Throughout the project, the balcony railings, sunscreens, and trellis' have too fine (narrow and delicate) of a structure. The design should be further developed and include a larger scale of materials and corresponding forms that will match the stronger lines of the building forms.
- Building D too starkly contrasts to the playfulness of the other structures in form and color. This building's concept is more "urban" because of its street front commercial component. However, it has extreme regularity with a regular spacing of windows and bay and too regular roofline. The concept, however, should not be so strongly differentiated in style from the other structures with their more playful unified overall concept.
- The materials and form of the southeast corner wing of Building C should make a better transition between the more modern Myers Way façade and the more traditional courtyard façade of this building.
- The second level façade of the terrace end elevation of Building B, which is substantially blank and uses only one material and color, is out of scale with the more varied facades on the remainder of the structure. The addition of more glazing or of additional materials and / or colors are suggested design directions.

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

The size of the project campus requires the site and building designs both convey a human scale; many tenants will be pedestrians and be outside on the sidewalk, in the courtyards, and open space areas. Project human scale should also be communicated to those driving by in the ROW.

Recommendation Meeting

The Board feels that the design meets the guidance given.

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.

The project's large size and prominent location require that high quality materials are used to assist in reducing the building bulk and creating a human scale, as well assure long-term building attractiveness and reduce maintenance costs.

Recommendation Meeting

A high quality and variety of materials is proposed. Recommended changes to Buildings B, C, and D in response to the guidance should continue this.

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 project proposes two structured parking entrances. The parking entrance extending from the entry plaza should not create a division between the courtyard and its building or between its building and the 2nd Avenue S sidewalk. The parking entrance to the Myers Way S building is proposed to be located on the building's south end next to the surface parking entrance and not far from Myers Way S street access. This entry should also not be visually prominent from the private drive or the JTF to the south.

Recommendation Meeting

The east side garage entrance for Building C will be located north of the building wing and faces Myers Way, not the originally proposed orientation to the access easement road. It was located here to lessen the amount of pavement in the Hamm Creek riparian corridor area (although the creek and corridor in this area is in a culvert) and reduce its visibility from the Myers Way entry and access easement area. The Board feels the new location is a better design response as it is not visible from Myers Way and it does not affect the visual appearance of the Myers Way façade.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

The adjacent Metro bus depot is expected to be an important source of mobility for many project residents. Access across the private drive and to the entry plaza for individual building entries should be easy, interesting, and supportive of transit use. However, no building entries for the southern two buildings and oriented toward the depot were shown at the presentation.

Because of the number of future tenants and anticipated reliance on transit for mobility, this development is similar to a TOD, or transit oriented development. The Board discussed several solutions to creating the needed connections including locating a residential entry for the commercial / residential building at the corner across from the transit depot and one for the Myers Way S building close to the private drive sidewalk that would serve the units at the far end of this structure (away from the entry plaza).

The Board also discussed the extension of some portions of the commercial area toward the interior open space to the east as a way to bring activity and vibrancy to this space. This arrangement could also create an active internal passageway for connectivity between the transit depot and the main entry plaza. An internal passageway would serve as an alternative to walking along the 2nd Avenue S frontage for tenants who may otherwise be discouraged from transit use during inclement weather or after hours.

The sidewalk width along the private drive should be adequate for two persons to walk comfortably.

Recommendation Meeting

The project places a resident only access on the south façade of Building D that will connect to a future pedestrian cross walk both directly across from the bus waiting area. This entry will connect through Building D to the main entry courtyard and all other buildings. No southern entry / exit is provided on Building C as the majority of tenants are expected to use the elevator, not stairs, which is located near the entry courtyard.

No extension of the commercial area has been provided between the 2nd Avenue South facade and the courtyard between Buildings C and D. The commercial area is intended to provide service for both residents and transit users. Because of the wider public that will use it, the project developers want to maintain a separation of the non-resident public from the resident-only open spaces and corridors. However, this courtyard proposes numerous entry connections between both buildings and the courtyard and provides a weather-protected connection from the transit area to the entry plaza and, from that, to all buildings. The Board feels that the presented design successfully responds to the guidance given.

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.

Because of the site's topography, building design should avoid large areas of blank walls at ground level and visible from the ROW's. Buildings should be recessed into the ground or stepped to achieve this.

Recommendation Meeting

The Board feels the presented design responds to the guidance. Most buildings have occupied spaces with windows at ground level, even in sloped areas. Where it was not possible to have windows, texturing of concrete wall surfaces and architecturally designed green screens should be provided as shown.

D-4 Design of Parking Lots near Sidewalks. Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

Curb parking proposed along the private drive and in the Myers Way facing lots should include wheel stops or other positive measure to assure vehicles will not intrude onto the proposed sidewalks.

Recommendation Meeting

The Board feels that the design meets the guidance given. Parallel parking is proposed along the Myers Way perimeter pathway. Wheel stops are proposed for the head-in parking along the access easement road.

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

Entries should be clearly visible and accessible. “Eyes on the street” techniques should be provided and utilized to assure a safe tenant connection between the project and the transit stop.

Recommendation Meeting

Windows and doors of residential units and common activity areas are placed throughout each building at ground level and facing both the passive outdoor areas as well as the more active courtyards and pedestrian pathways. The design presented therefore responds to the guidance given.

D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

The quality of the commercial signage for the proposed commercial areas can affect the final design quality of the project. The Board would like to see anticipated signage designs and project signage guidelines at the next meeting, with the understanding that final tenant selection may not yet have occurred.

Recommendation Meeting

The Board feels the design presented and plans for future regulation of commercial signage responds to the guidance given.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Extensive transparency is necessary for the commercial frontage on 2nd Avenue SW. Per the guidance in D-1 above, transparency for the commercial presence facing the proposed corridor or a corridor expanded to be an interior connection between the transit area and the main entry plaza should be provided.

Recommendation Meeting

The project design proposes extensive commercial transparency along the commercial frontage, and therefore adequately responds to this guidance.

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 visually interesting street 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 proposed residential units facing the sidewalk and private drive in the commercial / residential building should be designed to create an interesting pedestrian environment. This area will have the same function and visibility as a street (right of way) frontage: it will be visible to adjacent properties, users of the private road and the proposed parking, and be a connection between the transit depot and the Myers Way facing structure.

Recommendation Meeting

An interesting residential street front has been provided along the access easement frontage. This façade is not designed as the back –side of a building, but as a street facing façade. On the pedestrian level, a series of modulated bays break up the length of this façade. The recessed areas between the modulated facades contain pairs of unit balconies, which emulate the affect of street front balconies. The 90-degree angle parking along the sidewalk is broken up by tree wells as a means to provide “street” trees. As such, the proposed design responds to the guidance given.

Certain design elements may change in response to the guidance given on coordinating this building’s design concept with the remainder of the project (see C-2 above). The Board directs the project designers to continue to follow this guidance when making these changes.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Myers Way South ROW wetland and buffer should be part of the datum informing the project’s proposed landscape design. The project’s landscape design should also respond to riparian management area requirements, if applicable, for the adjacent Hamm Creek riparian corridor.

Recommendation Meeting.

The Board fees the design presented responds to the guidance given. The project proposes an on-site landscape plan along the site’s periphery that is integrated with the existing vegetation along Olson Place SW and the existing wetland vegetation along Myers Way SW.

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

This is a large site and project with extensive landscape areas proposed. The landscape design should do multiple things: beautify the project as seen from the ROW, tie together the campus of buildings, and provide intimate and usable outdoor spaces for project residents.

- *The Board would like to see fully developed landscape and pedestrian circulation plans at the next meeting.*

Recommendation Meeting.

Fully developed landscape plans were presented and discussed at the Recommendation meeting. Landscaping (a variety of plant and hard-scape) has been tailored to the character of each area of the site. Per E-1 above, landscaping along the site’s periphery responds to and enhances the existing ROW vegetation. Each building courtyard and the connecting areas have different characters for interest and variety. Courtyards offer a variety of passive and more active areas, such as seating, pathways, and a flower and vegetable garden area. The commercial frontage streetscape will have street trees and a more urban sidewalk character. As such, the project responds to this guidance.

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.

The north corner of the site and adjacent ROW are sloped and contain numerous trees. The landscape design should respond to this condition, as well as the Myers Way South wetland, its buffer, and the Hamm Creek riparian management area.

Recommendation Meeting

The proposed design responds to this guidance (see *E-1* and *E-2* above).

BOARD RECOMMENDATION

The Board finds that the project design successfully responds to the design guidance given, with the recommendations outlined in this document. The applicant and architect shall make the recommended design changes in response to the recommendations noted in this document and submit the required drawings to the project planner for review and approval. These are:

- Limiting the almost equal area given to a large number of colors and use two or three colors as the predominant palette with the remaining color choices as accents.
- The balcony railings, sunscreens, and trellises should match the stronger lines of the building forms.
- The Building D design concept should have a stronger design relationship to the other structures and their playful unified overall concept.
- The materials and form of the southeast corner wing of Building C should make a better transition between the more modern Myers Way façade and the more traditional courtyard façade of this building.
- Additional glazing or additional materials and / or colors should be included on the second level façade of the terrace end elevation of Building B.

If the planner does not feel the design changes respond to the recommendations, review by the Board at a second *Recommendation* meeting may be required. When approved, design changes shall be included in the final MUP plans prior to MUP Permit issuance.

The Board recommends the approval of the two *Design Departure* requests.

DEPARTURES FROM CODE STANDARDS

Land Use Code Standard	Proposed	Rationale for Request	Board Recommendation and Director's Determination
<p>Street Level Uses. Residential uses may not exceed 20% of the street-level street-facing façade when facing an arterial (SMC 23.47A.005).</p>	<p>To provide 100% residential use along the Myers Way frontage for Building C.</p>	<p>The intent of this Code requirement is to foster the creation of neighborhood commercial street frontages. This is not feasible due to these inherent site and contextual conditions: 1) Myers Way is a major arterial that does not now have, or can be expected to support the creation of a neighborhood commercial character in the foreseeable future, and 2) the topography and existing wetland in the Myers Way right of way. Instead, the project will provide 100% street-level non-residential use along 2nd Avenue South in Building D, which has strong potential to become a neighborhood commercial area (see architect's presentation for specifics). The Code does not require any non-residential uses along 2nd Avenue SW.</p>	<p>The Board recommended approval of this request based on the submitted MUP design response. The Director concurs. <i>Guidelines A1, A4, & D1.</i></p>
<p>Parking Location. Parking may not be located between a structure and a street lot line (SMC 23.47A.032).</p>	<p>Allow surface parking (76 spaces) between Building C and Myers Way.</p>	<p>There are several reasons for this request: The site plan proposes several large areas of at grade common open space areas that are oriented toward the project buildings and generally away from the "highway" like character of Myers Way. This ROW is at least 16-feet below the project site and contains a heavily wooded swale, part of which is a wetland; the ROW character will screen the surface parking from the ROW. Placement of the surface parking (primarily for the adjacent JTF) on the site perimeter would allow to optimal site plan. These factors in combination will better meet the overall design guidelines.</p>	<p>The Board recommends approval of this request based on the submitted MUP design. The Director concurs. <i>Guidelines A1, A7 & A8.</i></p>

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the *Unanimous Recommendation* of the four Design Board members present at the Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings*.

The project planner received and reviewed the applicant's design responses to the Board's Recommendation Meeting Conditions and contained on supplemental Sheets 13, 15, 20, 21, and 22 dated October 10, 2007 and Sheets 1 – 5 dated October 25, 2007: the use of multiple colors on all buildings has been reduced to two or three dominant colors with a subdued use of accent colors; deck railings and trellis features now use a more substantial sized material and form to be visually integrated with the scale and form of the campus of buildings, the design expression of Building D has been changed to reflect the rhythmic and color expression of the other buildings, the south and courtyard façades of Building C have been changed to form a visually smooth transition between its wing and a consistency with its Myers Way façade and the Building D façade across the courtyard; Building B has a new fenestration pattern with more window area and consistency with the adjacent roof form.

The project planner has reviewed the above submitted design changes and finds that they respond to the Board's Recommendation meeting conditions with the exception of the newly added raised portions of the Building A courtyard parapets shown on Sheet 13, which are to be removed prior to MUP Permit issuance.

Based on the project's final design presented at the September 13, 2007 Recommendation Meeting and the approval of the subsequent submittals to the project planner as shown in the supplemental MUP Sheets 13, 15, 20, 21, and 22 dated October 10, 2007 and Sheets 1 – 5 dated October 25, 2007 in the project file, the Director **APPROVES** the proposed design and related departures (subject to the *Conditions* found at the end of this decision).

SPECIAL EXCEPTION SMC 23.64.010.

The Director may permit a structure to exceed the limits of the Airport Height Overlay District as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such an exception shall only be permitted if the Director finds that all of the following conditions exist:

A. The Federal Aviation Administration advises the Director that the exception to the height limits does not create a hazard to aviation.

A request for height increases on Buildings A, C, and D from the maximum 65-foot height limit for buildings within the *Turning Area* was submitted to the Federal Aviation Administration (FAA), Northwest Mountain Region. The proposed height increases are for roof top parapets, stair and elevator penthouses and rooftop mechanical equipment to exceed the height limit as follows: For Buildings A and C, to an overall maximum height of 74-feet and Building D, to an overall maximum height of 72-feet. The FAA reviewed the proposed height increases and determined that the proposed heights would pose no hazards to the safe and efficient utilization

of the navigable airspace by aircraft or the operation of air navigation facilities. On July 9, 2007 the Federal Aviation Administration, Air Traffic Airspace Branch issued a *Determination of No Hazard to Air Navigation* on the project without conditions. The determination documents are part of the record and available in the DPD project file.

B. The additional height is necessary for the successful physical function of the structure.

The proposed height increases of 9-feet and 7-feet are necessary to allow mechanical units and stair and elevator penthouses. These items are within the Land Use Code allowed height for rooftop features (SMC 23.47A.012D).

C. The exception will not result in re-routing of aircraft.

The height exception to exceed the maximum turning area height will not result in re-routing of aircraft.

D. The structure is designed to minimize adverse impacts of lighting on surrounding uses while complying with the lighting requirements of the Federal Aviation Administration.

There will be no lighting impacts on the site's surrounding uses. The FAA has not placed special lighting requirements on this project.

DECISION-SPECIAL EXCEPTION

Based on the information provided to both DPD and the FAA and the determination of No Hazard to Air Navigation, the Director **GRANTS** this *Special Exception*.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated April 30, 2007 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 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 or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (construction dust) from excavation and construction and hydrocarbon emissions from construction vehicles and equipment.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. The site's location downhill and away from residential areas residences, along with it surrounding arterial streets, commercial use, and non-residential training facility, will assure construction noise or traffic will not impact these residential areas. Therefore no conditioning for short term impacts is required.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: 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, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Height, Bulk, and Scale

The City's SEPA Height, Bulk and Scale Policy states that "*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*" The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Transportation

A *Traffic Impact and Parking Demand Analysis*, dated April 27, 2007, was prepared by Parametrix. The report evaluated existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project, and evaluated the impact of these new trips on the level-of-service of intersections in the study area. A copy of the report is in the project file at DPD.

The report was reviewed by DPD's transportation planner who determined that the proposed project will not cause adverse impacts to area traffic or from increased parking demand and therefore no *Conditioning* for impacts is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

This decision was made after review by the responsible official on behalf of the lead agency of 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 43.21.030 2C.

DESIGN REVIEW CONDITIONS

Non-Appealable Design Review Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).
2. The building constructed shall comply with all images and text on the final MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three 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.
3. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Master Use Permit

5. Update the MUP plan sets to include the approved building design changes as shown on Sheets 13, 15, 20, 21, and 22 dated October 10, 2007 and Sheets 1 – 5 dated October 25, 2007 and contained in the project file. The extended parapets on the north and west courtyard elevations of Building A, as shown on Sheet 13, shall be removed.

Prior to Issuance of the Building Permit

6. The design shown in the building permit plans shall conform to all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping).

Prior to Issuance of the Certificate of Occupancy

7. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three 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.

Appealable Design Review Conditions

None.

CONDITIONS – SEPA

None.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

CONDITIONS – SPECIAL EXCEPTION

None.

Signature: _____ (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: November 1, 2007