



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

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

Application Number: 3006293
Applicant Name: Diana Keyes, Johnson Braund Design Group for Southeast Effective Development (SEED)
Address of Proposal: 3601 34th Ave S

SUMMARY OF PROPOSED ACTION

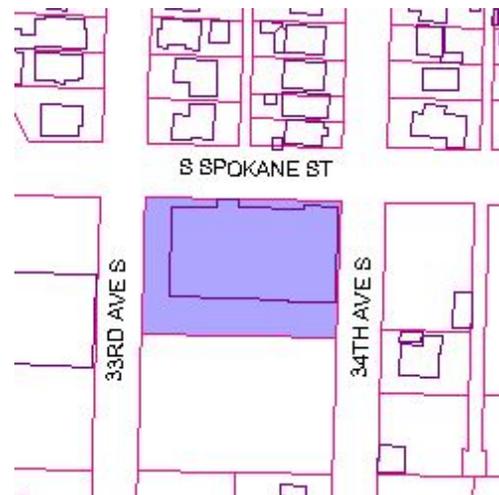
Land Use Application to construct an affordable senior housing development including one five-story, 74 unit residential structure, and 12 units contained in three, two-story structures for a total of 86 units.

The following approvals are required:

- **Design Review and Development Standard Departures**, pursuant to Chapter 23.41 Seattle Municipal Code.
- **Administrative Conditional Use**, required for residential use in Commercial 2 (C2) zone, pursuant to SMC 23.47A.006.
- **SEPA - Environmental Determination**, pursuant to SMC Chapter 25.05.

BACKGROUND INFORMATION:

The applicant is proposing an 86-unit development for senior housing with 50 parking spaces at 3601 34th Ave South. The property is zoned Commercial 2 with a 65 foot height limit (C2-65), is located in the North Rainier Hub Urban Village, and lies within the boundary of the Southeast Seattle Reinvestment Area (SESRA). The site is a rectangular lot, bounded by 33rd Ave South on the west, 34th Ave South on the east, South Spokane St on the north, and a landscaped pedestrian walk on the south. Currently the site is vacant. This is Phase III of a four-phase development plan.



AREA DEVELOPMENT

The properties directly south and west of the site are zoned C2-65 zone and contain large mixed use developments. The properties to the east of the site are zoned C1-40 and are developed with storage and warehouse structures. The properties to the north are zoned Single Family 5000 (SF 5000), and are developed with single family residences.

PUBLIC COMMENTS

The comment period for this proposal ended on August 22, 2007. The Department received two written comments related to traffic, parking and safety.

An Early Design Guidance Public Meeting was held by the Design Review Board for Southeast Seattle on February 27, 2007. Eleven members of the public were present at the meeting and raised concerns related to height and bulk impacts; potential parking and traffic impacts; and, lack of privacy for residents on the main floor.

ANALYSIS – DESIGN REVIEW

EARLY DEISGN GUIDANCE SUMMARY: February 27, 2007 MEETING.

The following design guidance was given during the Early Design Guidance meeting held on February 27, 2007. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below 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.

DESIGN GUIDELINES

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.

A-2 Streetscape Compatibility

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street

A-5 Respect for Adjacent sites

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

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction.

A-7 Residential Open Space

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

A-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.

The Board agreed that the design of the proposed development should be compatible with surrounding development and existing streetscape characteristics.

- The siting of the proposed building should respect the surrounding built environment, while being mindful of scale and setbacks of adjacent residential properties along South Spokane Street.
- The design of the project should encourage pedestrian activity by providing pedestrian oriented features while simultaneously providing privacy for the residents.
- The location and quality of the residential open space should be considered a high value element and should serve several functions in its open space role.
- There should be a clear vehicular point of access. Pedestrian access to residential units and open space should be safe, open and inviting by including features such as seating and low-level lighting.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

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.

The Board determined that the design should create a good transition in height, bulk and scale to the single family residences to the north. The Board agreed that the operating design principle must be to provide a meaningful and sensitive design response through restraint in height, bulk, and scale in the design of the new structures. The design of the five-story apartment structure should provide adequate modulation to break down the scale of the structure, and a roof form that serves as a transition between the larger buildings to the south and west and the proposed townhouse structures to the north along South Spokane St.

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 complements the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency

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

Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale

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 Board agreed that the building design and materials should integrate some design features of the neighboring commercial development to the west and south, while still maintaining a sense of individuality. The designer should bring a concept or parti for the building/façade for the next meeting and show the design development for this project in relationship to the concept. Architectural concept, materials, scale and details should be integrated for a building whose concept is appropriate for the site, its surroundings and uses. The architect should present this next iteration of the design at the next meeting.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-6 Screening of Dumpsters, Utilities and Services Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

D-7 Personal Safety and Security

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

The architect should study the surrounding pedestrian environment and present a design which creates a generally friendly and lively environment at street-level. The design should also decrease the possibility of dark, hidden places by designing adequate low-level lighting within the site. The height of the existing planters in the promenade south of the site should be lowered so to be more usable to increase the usability by the residents and pedestrians.

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.

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

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The design of the landscaping should enhance the prior guidelines, by creating a transition from neighboring lots and the street, softening edge conditions and by helping create a green streetscape. The applicant should show in more detail how the landscape will be an amenity for the project and function as usable open space for the inhabitants.

DESIGN REVIEW RECOMMENDATION MEETING SUMMARY: OCTOBER 16, 2006 MEETING

The applicant applied for a Master Use Permit (MUP) on June 11, 2007. On October 9, 2007, the Board met again to consider the design response to the guidance provided at the previous EDG meeting and to make recommendations to DPD on the design.

ARCHITECT'S PRESENTATION

At the final recommendation meeting, a more detailed and evolved design was presented based on guidance provided by the board at the first meeting. Erin Wark of Johnson Braund Design Group, Inc. made the substantive presentation at this meeting. The architect presented a zoning map, a site plan, aerial photos and photos of surrounding development, a landscaping plan, color elevations and a materials board. The dominant materials proposed include two stories of masonry on the proposed five-story building which reflect the two stories of masonry on the existing buildings to the south and west. The updated design provides modulation of masonry, a revised roof design, and porches to enhance the residential feel and human scale of the new five-story building. This is also continued by the clustered two-story townhomes to the north. Additional features are provided with variations in materials, window types and roof forms. The inclusion of porches, window boxes and unit entries along the street are designed to enhance the residential character of the area.

DEPARTURES FROM DEVELOPMENT STANDARDS

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The applicant requested the following departures from the Land Use Code development standards:

Standard	Request	Rationale	Recommendation
The street-level street facing facades must have a visually prominent pedestrian entry 23.47A.008.D1	Entrance facing interior pedestrian promenade.	Will allow primary access to be from interior courtyard and will provide private entrance for residents.	Recommended Approval
Either the first floor of the structure at or above grade shall be at least four (4) feet above sidewalk grade or the street-level façade shall be setback at least ten (10) feet from the sidewalk SMC 23.47A.008.D2	Allow units lower than 4 feet above sidewalk and less than 10 feet from the sidewalk.	Will allow development to meet accessible requirements for entries.	Recommended Approval

SUMMARY OF RECOMMENDATION

The Board members in attendance indicated that the project met the Design Guidance which was prioritized at their previous meeting. The Board complimented the development team on the quality of the presentation and the details provided in the presentation to gain a full understanding of the project’s design. After considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, the Design Review Board members in attendance unanimously recommended **APPROVAL** of the subject design and the requested departures as presented with the following recommended condition:

- Enhance the main entry area to create more definition and prominence. Additional features such as decorative paving, columns, and an awning wrapping around the corner would accentuate the entry and differentiate it from the residential porches.
- Provide an architecturally consistent roof design. Either the roof should be more unified across the building (ie all flat/all pitched) or the body/base of the building should correspond more clearly to the roof forms above (ie materials could alternate to clearly form three pieces, consisting of two ends and a mid-section).
- Provide a color scheme that enhances the architectural design of the buildings by reducing the amount of colors proposed, and providing a simplified, toned-down color palate.

DECISION - DESIGN REVIEW

The Director accepts the Board’s recommendations to approve the project design Conditions listed at the end of this report are provided to ensure that the design details approved with this project are implemented through the construction process.

CONDITIONS - DESIGN REVIEW

Non-Appealable 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 (Naomi Henry 206-684-5223). 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.
2. 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 planner assigned to this project (Naomi Henry 206-684-5223), or by the Design Review Manager. 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 of these conditions and colored elevation drawings in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. All changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by the Land Use Planner prior to proceeding with any proposed changes.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposal, to establish a residential use in a C2 zone, requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47A.006.B.3.a. The applicable criteria are as follows (discussion of consistency with criteria interspersed):

- (1) *Relationship to transportation systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.*

The subject property is located approximately one block east of Rainier Avenue South, a major north-south arterial connecting downtown Seattle to Renton and the suburban cities of South King County. The Interstate -90 (I-90) interchange is located approximately 1.75 miles south of the site, and the nearest Interstate-5 (I-5) interchange is located approximately 1.5 miles west of the site. The nearest freight rail line is located approximately 4.1 miles west of the site. King County Metro public transit is located on Rainier Avenue South within approximately one block of the site.

While access to major transportation systems is reasonably convenient from the site, its location is not more suitable for intensive commercial and/or industrial uses. Its proximity to future Sound Transit light rail stations and existing bus stops will make this location beneficial for residents of this development.

- (2) *Compatibility with surrounding areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes as indicated by 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 subject property is not located near any uses that are prohibited in the NC3 zone. The only potential nuisances in close proximity to the site are existing uses that might be considered major noise generators including a light industrial use (i.e. a steel fabrication and warehouse operation) to the northwest of the site, and an automotive repair shop across Rainier Avenue South. However, the light manufacturing use is conducted wholly within enclosed structures and is located more than 50 feet from the subject property. Similarly, the vehicle repair use is also conducted within an enclosed structure, and is located more than 300 feet from the subject property.

The proposed residential use is compatible with the existing and proposed land uses in the surrounding area. Such existing and proposed land uses include the existing Courtland Place at Rainier Court (Rainier Court Phase I) mixed use development immediately west of the site; the existing Dakota at Rainier Court (Rainier Court Phase II) mixed use development immediately south of the site; and, the vacant land zoned C1-40 located immediately to the east of the site, which is slated for a future owner-occupied residential development. There are also numerous existing retail and commercial businesses located along Rainier Avenue South and in the Rainier Valley Square Shopping Center. Such existing and proposed residential, mixed use and non-residential uses in the surrounding vicinity are highly compatible with, and do not appear to present a potential nuisance or conflict with the proposed residential use.

- (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;*
 - b. *The presence of physical buffers between the lot in question and major transportation systems and potential nuisances;*
 - c. *The potential cumulative impacts of residential uses on the availability for non-residential uses of land near major transportation systems; and*
 - d. *The number, size and cumulative impacts of potential nuisances on the proposed residential uses.*

The distance between the subject property and major transportation systems and potential nuisances is sufficient enough that there will be minimal negative impacts, if any, to future residents. The large mixed-use developments to the west and south of the site will act as physical buffers between the site and Rainier Avenue South, and will help ensure the future residents will not be negatively impacted by noise, or other potential transportation-related nuisances. There are several under-developed commercially zoned lots in the area that may be redeveloped in the future. Therefore, the cumulative impact of the proposed use on the

availability for non-residential uses of land near major transportation systems is minor. The residential use to the north, and the mixed-use developments to the south and west of the site will cause very little, if any, nuisance.

The above factors have been taken into account, and it has been determined that minimal impact to the future residents of the site or to the surrounding area will result from this proposal. This proposal will not be materially detrimental to the public welfare, or injurious to property in the zone or vicinity in which the property is located.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suitable for a mix of commercial and residential uses. It is not so particularly suited to extensive commercial uses or intensive/extensive industrial uses that preclude residential uses in the area.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposal for residential use in a C2 zone is **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None required.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 7, 2007, and annotated by this Department. The information in the checklist, traffic report, soils report, Phase I environmental audit, and supplemental information provided by the applicant, comments from members of the community, 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) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements 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/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

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

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- 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 Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, the Environmentally Critical Areas Ordinance, and the Building Code. 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 debris to be removed from the street right-of-way, 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.

Noise

In addition to the Noise Ordinance requirements in SMC 25.08, to reduce the noise impact of construction on nearby residential zones, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m.

To reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the

duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. As a condition of this decision, the applicant will be required to submit a noise mitigation plan to DPD for review and approval before a change in allowable construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby residential uses are considered adequately mitigated.

Grading

Approximately 7,500 cubic yards of cut material and approximately 1,400 cubic yards of fill is proposed for this development. If material is transported to or from the site, City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Parking

Construction of the project is proposed to last for approximately 12 months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties.

Accordingly, the owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. Thus, the construction phase transportation plan will be a condition of this decision. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased bulk and scale on the site; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand. These long-term impacts are not considered significant because the impacts are minor in scope.

Parking

The traffic report identifies a potential need of up to 36 parking spaces to accommodate the demand generated by this development. With this proposal, parking for 50 vehicles will be provided on-site. The report also states that the age restrictions of the prospective residents of this development and the proximity of the public transit facilities are likely to further reduce the level of on-site parking demand.

Height, Bulk & Scale

Since the Design Review Board and the Director have considered the potential height, bulk and scale impacts and acted to limit those impacts, the Director concludes that the negative impacts of height, bulk and scale have been adequately mitigated and no additional SEPA height, bulk and scale mitigation is warranted.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

CONDITIONS - SEPA

Prior to Issuance of any Construction or Grading Permits

1. The owner(s) and/or responsible party(s) shall secure DPD Land Use Planner or SDOT approval of construction phase transportation and pedestrian circulation plans.

Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to approval. The plans shall address the following:

- Ingress/egress and parking of construction equipment and trucks;
- Truck access routes, to and from the site, for the excavation and construction phases
- Street and sidewalk closures;
- Potential temporary displacement/relocation of any nearby bus stops.

During Construction:

2. The owner(s) and/or responsible party(s) shall comply with the construction phase parking plan. A copy of that plan must be kept on-site.
3. All construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:
 - Surveying and layout;
 - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
 - After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. These hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. The applicant will be required to submit a noise mitigation plan to DPD for review before a change in construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

Signature: (signature on file)
Naomi Henry, Land Use Planner
Department of Planning and Development

Date: April 24, 2008