



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 & DEVELOPMENT**

**Project Number:** 3006405

**Applicant:** Brad Hinthorne, Project Manager,  
ruffcorn mott hinthorne stine Architects,  
Othello Partners, Property Owner

**Address:** 7300 Martin Luther King Jr. Way South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a six-story structure containing 367 residential units and 25,500 square feet of general sales and service use. Accessory parking for 364 vehicles will be provided within the structure. Review includes demolition of an existing 19,000 square foot commercial building.<sup>1</sup>

The following Master Use Permit components are required:

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

1. Residential Street-level Requirement SMC 23.47A.008.D2,
2. Nonresidential Street-level Requirement. SMC 23.47A.008.B.3.b

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

\*\*Early Notice DNS published January 31, 2008.

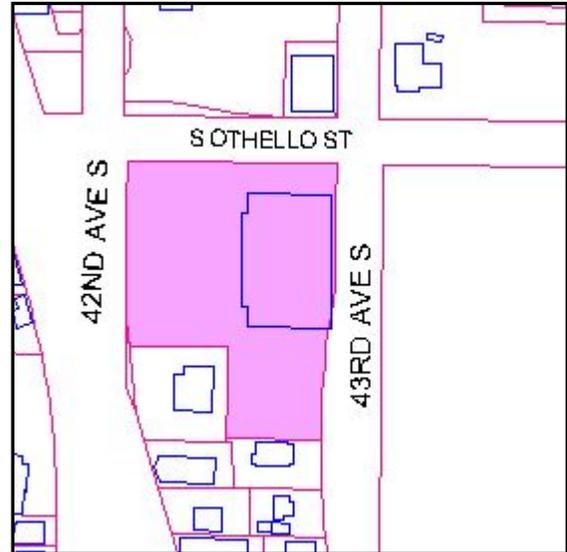
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<sup>1</sup> Project was originally noticed as proposing 365 residential units and 278 parking stalls.

## **SITE BACKGROUND INFORMATION:**

### Site Description

The development site occupies a total land area of approximately 81,041 square feet, in the Rainier Valley neighborhood of South Seattle. The site is zoned Neighborhood Commercial Three Pedestrian zone with a height limit of 65 feet (NC3P-65) that occupies the north half of an irregular shaped block, with street frontage on Martin Luther King Jr. Way South to the west, South Othello Street to the north, and 43<sup>rd</sup> Avenue South to the east. The subject site is also located within the Martin Luther King Jr. (MLK) at Holly Street Residential Urban Village, Othello Neighborhood Design Guideline area, Othello Station Overlay District, and the South Seattle Reinvestment Area.



The site is developed with one building, surrounded by a hard surface parking lot, loading areas, and perimeter landscaping. The site slopes modestly upward from west to southeast, approximately 8 feet over a distance of 275 feet, with a level area near the mid-half of the site. The streets abutting the subject site are fully developed rights-of-way with asphalt roadway; curbs, sidewalks and gutters.

***The site is not located in any identified or designated Environmentally Critical Area (ECA).***

### Area Development

The area is defined by Sound Transit's Light Rail Line within the Martin Luther King Jr. Way South right-of-way. Along this section of the MLK corridor, construction activity is robust with significant impacts on the neighborhood. Within one block northwest of the site, Othello light rail station is currently under construction. Further to the west, Holly Park Phase III has helped to transform this area and stimulate economic growth. On either side of MLK, commercial development dominates the area with a mix of retail, restaurant, offices, institutional uses to name a few.

To the north across Othello, the applicant is proposing to development the site with a similarly scaled building in the near future. Zoning in the area includes Multifamily and Single family zones outside the commercially zoned corridor along MLK. To the east across 43<sup>rd</sup> Avenue an expansive Single family 5,000 (SF 5000) zone is defined by spacious open spaces and moderate sized homes. Othello Playfield, a Seattle City Park is located directly across 43<sup>rd</sup> Avenue. Abutting the development site to the south is a Multifamily Lowrise Two (L-2) zone that supports an assortment of residential uses including; apartments and single family uses.

Proposal Description

The applicant, Othello Partners, proposes to construct a six-story building at the development site that currently houses a general retail use. The proposal requires demolition of the existing building to accommodate new construction of the a mixed use building, containing five floors of residential use above ground floor commercial and institutional uses. The proposal will take advantage of the site's unique location and connection to transit centers. The development site will be located across the street from the Sound Transit Othello Light Rail Station, scheduled to open in 2009. A Metro Bus stop serves the development site as well. The proposed building will occupy the entire 81,041 square feet development site, with 367 residential units and approximately 25,500 square feet of nonresidential uses, which is anticipated to have a positive impact to the immediate area. The design program includes opening up and activating abutting streets; MLK Jr. Way South, South Othello Street, and 43<sup>rd</sup> Avenue South.

The design intent to establish a strong street presence scaled to neighboring properties, using modulation and spatial separation to visually enliven the area. The MLK (west) façade takes into consideration right-of-way width, commercial activity, street art, and traffic. Othello's façade will be modulated with stronger vertical articulation with "eyebrows" at the roofline to take on a more residential look. At street level along Othello, pedestrian main entries will be placed along the entire length to activate the entire block front. To the east, abutting 43<sup>rd</sup> Street, the façade will be broken into two distinct masses across from the Othello Playfield. This façade modulates both vertically and horizontal seeking a less dense residential feel.

The south building wing will feature a two-story townhouse façade treatment that steps forward of the upper level. Robust landscaping is proposed to create a greater synergy with the lower residential zone just east of 43<sup>rd</sup> Street. Access to an underground parking garage for 364 vehicles is proposed approximately 75 feet from the Othello intersection along 43<sup>rd</sup> (north building wing).

The area around MLK and 43<sup>rd</sup> Street frontages will feature perimeter landscaping to enhance the development site, and reduce adverse visual impacts upon adjacent properties. Special emphases will be directed towards providing attractive and inviting pedestrian oriented experiences within two internal landscaped courtyards. The main terrace level courtyard will feature a landscaped staircase leading to directly to the 43<sup>rd</sup> Street front. The staircase is envisioned to allow areas of repose for social interactions and engagement of pedestrians in the right-of-way.

Public Comment:

|                                |                   |
|--------------------------------|-------------------|
| Date of Notice of Application: | January 31, 2008  |
| Date End of Comment Period:    | February 13, 2008 |
| # Letters                      | 0                 |

The SEPA comment period for this proposal ended on February 13, 2008. The Department received no comment letters during the public comment period.

No letters were received during the early design guidance phase.

## **ANALYSIS - DESIGN REVIEW**

### Early Design Guidance

On September 11, 2007, the Design Review Board of Area 4 met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comments the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*" and "*Othello Neighborhood Design Guidelines*" of highest priority to this project.

#### A *Site Planning*

##### A-1 Responding to Site Characteristics

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

##### A-2 Streetscape Compatibility

##### Othello-specific supplemental guidance:

A strong relationship between the building and the street adds character and quality to the Othello business district.

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

Entries should be clearly identifiable and visible from the street.

##### A-4 Human Activity

##### Othello-specific supplemental guidance:

*New development should be sited and designed to encourage human activity on the street. (Excerpted from the Citywide Design Guidelines)*

The life of the neighborhood should be closely tied to the character of its public space. It is especially important to recognize streets as public space. The design of buildings can help determine the level of activity on the street. Where storefronts meet the sidewalk, social interaction can be intensified adding vitality. New development is encouraged to support the area's pedestrian designated streets and the Station Area Overlay District by contributing to a consistent building line at or near the sidewalk.

A-5 Respect for Adjacent sites

Othello-specific supplemental guidance:

*Several zone edges between commercial (C1) and single family-zoned properties exist in the neighborhood. This could result in visual impacts, as well as traffic and noise conflicts between these properties. To help prevent these situations, consider:*

A-6 Transition between Residence and Street

Othello-specific supplemental guidance:

*Ground-related residential development, such as townhouses, is encouraged at locations along public open spaces such as Othello Park to create human activity along the park and provide for social interaction among residents and neighbors.*

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

Othello-specific supplemental guidance:

Consider siting and designing structures on corner lots to take advantage of their role as gateways and activity nodes in the community. Locating open spaces such as plazas for public use can promote a physical and visual connection to the street.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

Othello-specific supplemental guidance:

Much of the MLK@Holly business district is zoned for large, 65' tall buildings. Careful siting, building design and building massing at the upper levels is encouraged to achieve a sensitive transition between the 65' commercial zone and adjacent residential zones. Large, monolithic buildings are discouraged. Consider the following:

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.

C-3 Human Scale

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

C-4 Exterior Finish Materials

Othello-specific supplemental guidance:

Encourage High-Quality Construction

All new buildings are encouraged to be constructed as long-term additions to the urban fabric.

D Pedestrian Environment

D-1 Pedestrian Open Space and Entrances

Othello-specific supplemental guidance:

Activate the Street Edge

Providing space for intermingling of pedestrians and shoppers at the street-level on Martin Luther King Jr. Way South will help create a socially and visually stimulating MLK@Holly business district. Multiple storefronts, shop entrances and activities enliven the street and provide a safe pedestrian environment. Generous windows placed at the ground floor give people inside an awareness of activity on the street. This is commonly referred to as “eyes on the street,” and supports an active day and night street environment.

D-7 Personal Safety and Security

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

Othello-specific supplemental guidance:

Defensible Space

“Defensible space” is the term used to describe an area that has been made a “zone of defense” by the design characteristics that create it. Under the defensible space guidelines, areas associated with a development site are categorized as either public, semi-public, semi-private or private. This designation helps define the appropriate activity and use for each area.

Lighting

Good lighting is one of the most effective crime deterrents. When used properly, light discourages criminal activity, enhances natural surveillance opportunities, and reduces fear. Lighting can influence an individual’s feelings about his environment from an aesthetic as well as a safety standpoint. A bright, cheerful environment is much more pleasing than one that appears dark and lifeless.

### Landscaping

Landscaping, like architectural design, plays a significant role in CPTED. One function of landscaping in crime prevention is aesthetics, as an attractive environment generates a sense of pride and ownership. Landscaping can be used to perform a variety of design functions, as outlined below.

#### 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.

#### D-10 Commercial Lighting

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in the commercial districts evening hours.

#### 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.

#### 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 be visually interesting for 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.

### *O Othello Neighborhood Site-Specific Design Guidelines*

#### *O-2 Northeast and Southeast Corners of Martin Luther King Jr. Way South and South Othello Street*

**Summary:** Ensuring a well proportioned scale at the development site is a critical factor in successfully integrating the project into the existing neighborhood fabric. The design team should incorporate as many design elements as necessary to scale the building down along all street frontages utilizing modulation measures for the unified building mass that meets the specific needs of each streetscape. In addition, creating quality open space into the proposal including, providing adequate natural light to penetrate into the proposed interior courtyard is important to activate the space. The Board feels that the corners will need to feature treatments

to help establish a sense of place, holding the corners with distinctive features. Lot location, with its three notable street frontages (MLK, Othello, and 43<sup>rd</sup>) will have a significant street presence that must be designed with care and thought. The design team should incorporate design elements as necessary to create quality infill development; utilizing building materials and massing sensitive to adjacent streetscapes. The Board wants the developer to bring a two-story townhouse look along 43<sup>rd</sup> Avenue, while loading MLK and Othello Street frontages with nonresidential uses to activate the streetscape wherever possible, to create readable entries to scale the design. Vehicle activity should be minimized to the greatest extent possible through screening and layout.

These design guidelines were all chosen by the Board to be of high priority. The Board wants the developer to engage the streetscape wherever possible and scale the design to integrate itself into the area at a site with three street frontages, totaling approximately 876 linear feet.

*(For complete copy of the EDG document refer to the MUP file or DR Web page; [www.seattle.gov/dpd/.design\\_review\\_program//project\\_review/reports](http://www.seattle.gov/dpd/.design_review_program//project_review/reports).)*

### **Design Review Board Recommendations**

On January 17, 2008, the applicant submitted the full Master Use Permit application, and on April 8, 2008, the Southeast Design Review Board (Area 4) convened for the Recommendation meeting. Three of the five Board Members were present during this meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meeting. The applicant requested two development standard departures from the City's Land Use Code:

- *Residential Street-level Requirement*; reduction to the requirement.
- *Nonresidential Street-level Requirement* reduction to the requirement

### **Updated Design:**

Since the Early Design Guidance Meeting held on September 11, 2007, there were a number of refinements that have affected the size and configuration of the proposed development. These include:

**Building Mass:** The preferred scheme introduced during the EDG meeting has been redesigned to take greater advantage of the opportunities afforded to a site with three distinct street fronts. From street-level to the roof line, the building's north corners now have a stronger articulated presence which firmly holds the corners to help establish a sense of place. The building's mass has been sculpted into distinct sections along 43<sup>rd</sup> to be more compatible with the character of the adjacent uses and zones. This design decreases the building's mass as viewed from the east where it's most critical, being across from Othello Playfield and a lower density residential zone, while strengthening it's presence along the west and north elevations. The revised plan depicts a six-story building mass along Othello with two horizontal breaks; at the lower level to open up the sidewalk, and at the upper level to reduce scale. Vertically, the building's Othello frontage is visually engaging with a wider recessed break near 43<sup>rd</sup> where the main residential entry is sited. Upper level modulation and fenestration patterns break down the building's scale upon all street

frontages. With the wider sidewalk area along MLK, the street-level façade steps up boldly to the property line with store front windows to visually engage the pedestrian environment. Continuous overhead weather protection occurs along MLK and Othello, the commercial oriented street fronts.

**Parking:** In response to Board guidelines, access and layout of the surface parking lot has been located in a fashion to minimize visual intrusion upon adjacent residential uses and the street systems. The entry decreases its presence along 43<sup>rd</sup> with a reduction in the number of curb cuts. A decorative gate has been proposed to make the wall plan more visually appealing.

**Open Space:** The amount and allocation of residential open space takes better account of solar exposure as directed by the Board. The revised plans depicts a more thoughtful approach to activating pedestrian activity with a building mass that extends an additional four-stories above the terrace level courtyard. The two areas have been opened up to create less of a canyon-like feel with greater spatial separation between exterior walls.

### Public Comments

A member from the neighborhood thanked the applicants for a design that would be a positive addition to the neighborhood, signaling out the 43<sup>rd</sup> Avenue frontage as being an appropriate fit for the adjacent residential zone. The speaker wanted to know if the North Othello site would be similarly designed. The applicant responded that the north site would take cues from adjacent properties and would be different but complimentary. One member from the public wanted a chance to revisit the project at another meeting because the applicant was suggesting an option to establish an institutional use along 43<sup>rd</sup> Avenue that needed more time to evaluate. Another comment stated their support of the proposed institutional use that would support micro-community centers serving the needs of specific ethnic groups would be a benefit to the neighborhood. The proposal's height, bulk, and scale still seemed out of portion for the neighborhood context, and as such, further mitigation measure should be warranted, including greater setbacks. Landscaping in and around the rights-of-way are thoughtful, with wide sidewalks and façade variety. One comment expressed a desire to see public access to the terrace level open space along 43<sup>rd</sup> Avenue.

With the volume of commercial spaces at street level there should be consideration to introduce outdoor seating areas across from the Park along 43<sup>rd</sup> Avenue. Additionally, vehicles access off 43<sup>rd</sup> could contribute to congestion at the Othello intersection and should be mitigated. Public comments closed out with an accounting of the on-site residential parking ratio and lack of commercial parking. As proposed, the limited number of proposed parking could have an adverse impact street parking.

### Board Discussion

After considering design plan, project context, hearing public comments, and reconsidering the previously stated priorities, the three Board members began their deliberations by providing a general assessment of the proposal and its impact on the neighborhood. Ensuring an elegantly detailed building at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. Board members acknowledged their appreciation of Othello Partner's attempt to strengthen the neighborhood mosaic by taking steps to build a sense

of community through design, both internally and externally. Generally, the Board liked the design team's response to the guideline priorities set on September 11, 2007. Discussion ensued among the Board, including support of the requested departure, exterior cladding, landscaping, and resolution of the 43<sup>rd</sup> Avenue frontage.

The building mass along the three frontages successfully breaks down the scale through modulation and selection of colors upon the upper level. The façade colors need to be more visually engaging. Exterior walls surrounding the terrace courtyard needs further refinement, as well. The colors and details of the walls surrounding the terrace level courtyards are unresolved, lacking the vigor of the street facing facades. **Therefore, the Board recommended the applicant work with DPD to find an appropriate design solution for the final façade pigmentation and design detail of façade surrounding the terrace level courtyard including window detailing.** (*Guidelines A-1, A-2, A-7, B-1, C-2, C-3, C-4, D-1, & E-2*)

The proposal now calls for the possible establishment of an institutional use at the ground floor level, within the townhouse-like façade along 43<sup>rd</sup> Avenue. Due to its location and proximity to the Othello Playfield the Board felt that the establishment of an institution uses (to house micro community centers to serve ethnic neighborhood groups) could be an effective use of space. As long as the exterior façade and landscaping areas remain unchanged as depicted in the renderings during the recommendation meeting, the Board was satisfied that the street-level frontage would enhance the pedestrian environment. If possible, the number of entry doors should remain unchanged as well. The Board was very supportive of the overall proposed scheme to allow either residential, institutional, or both uses behind the townhouse-like façade at street-level. **The Board recommends any changes to the street-level façade and landscaped areas are limited to maintain the intimate scale of townhouse-like units.** (*Guidelines A-1, A-2, A-4, A-5, A-6, C-4, D-7, D-12, & E-1*)

The Board pointed out that Sound Transit art installation in the MLK right-of-way may pose problems during construction and asked if developer could work with DPD, Sound Transit and SDOT to do something about delaying the installation until a more appropriate time during the construction phase. The area surrounding the art installation, with the greatest solar exposure at the development site, will be a singular pedestrian outdoor area which must be treated with the care and thoughtfulness. Benches, tables, landscaping must be included and designed to facilitate pedestrian movement while providing a piazza like feel to stimulate social interactions. **Therefore, the Board recommended that the applicant explore options to protect the Sound Transit art installation. Whether through an agreement with the appropriate agencies or by erecting a fence to protect the art sculpture shall be explored. The design and installation of street furniture should be complementary and take cues from the Sound Transit Station to establish a strong complimentary pedestrian plaza.** (*Guidelines A-2, A-4, A-10, D-1, D-7, & E-2*)

Overhead weather protection canopies, though calling attention to the entry doors, should provide a high level of protection from inclement weather. In any case, more refinement is needed. Canopies protruding into MLK and Othello should wrap around the corners. In addition, bike racks in the rights-of-way should be identified and located within the plan set. If a Metro bus stop is to remain then the proposal should integrate the bus stop into the project. **Therefore, the Board recommended the applicant work with DPD to find an appropriate**

**design solution for the placement or design of canopies or overhead weather protection to make entries readable and pedestrians protected from inclement weather. Further, the applicant is encouraged to work with Metro to integrate a bus shelter into the proposal.** (Guidelines A-3, A-10, C-2, C-3, D-1, & D-7)

### Departure Analysis

1. *To allow alternatives to Nonresidential Street-level Requirement: Height & Depth of Nonresidential Space (SMC 23.47A.008.B.3.b)*

To promote viability of commercial activity locating a street-level, nonresidential uses must have a floor-to-floor height of at least thirteen (13) feet. The east façade is setback to create a more pedestrian inviting streetscape experience along a residentially oriented street. Across the centerline of 43<sup>rd</sup> Avenue the underlying zone changes to SF 5000. During the EDG meeting the Board requested the applicant to open up the pedestrian experience along the residentially oriented street across from Othello Park to the east. The applicant has taken Board guidance to design a townhouse-like frontage with increased landscaping at street-level to provide a buffer area that has resulted in compromising the floor to floor height of the ground floor units due in part to the site's topography. The proposed floor to floor height is approximately 12 feet, one foot less than the required height. The proposed nonresidential (institutional) use will serve neighborhood ethnic groups, providing them with an opportunity to establish a base within the larger community. The Board was pleased with the design intent, but felt the applicant needed to carry through with the townhouse-like frontages even if the internal uses would change to nonresidential uses. **Owing in part to the graphic boards presented at the recommendation meeting, the Board recommended approval of the reduction in floor to floor height of the nonresidential use with the understanding that the townhouse façade should maintain its residential character, with refinement resolved to the satisfaction of the assigned planner.** (Design Guidelines: A-2, A-3, A-5, B-1, C-2, C-3, C-4, D-11, & E-1).

2. *To allow alternatives to Residential Street-level Requirement: Either the first floor of the structure at or above grade shall be at least four feet above sidewalk grade or setback at least ten feet from the sidewalk (SMC 23.47A.008D.2),*

The applicant proposes to locate a significant portion of the east facade in residential use along 43<sup>rd</sup> Avenue South. Street-level development standards for residential uses requires 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 set back at least ten feet from the sidewalk. The applicant is proposing to step a two-story townhouse-like (street-level) façade forward to create greater building articulating and visual interest. Portions of the street level facade steps up to within four (4) feet one (1) inch of the east property line. The Board enthusiastically supported a street-level frontage that is more in keeping with the lower density residential zone across the 43<sup>rd</sup> Avenue. The area between the street-level façade and sidewalk will be visually engaging with landscaping, with the two-story townhouse-like façade in the background. The Board supported a design that effectively opened up the pedestrian experience and provided nuanced landscaping. **The Board supports ground floor units' orientation to grade within the townhouse-like facade, with understanding that additional measures to soften and green the street-level**

**will to be worked out with the assigned planner.** (*Design Guidelines: A-2, A-3, A-5, A-6, B-1, C-2, C-3, C-4, D-12, & E-1*)

The Board was comfortable with granting the requested departure for alterations in the Residential Street-level requirement and/or Nonresidential Street-level requirement. Different Development Standards are required for the residential and nonresidential uses which the Board took in consideration in approving the two departures from street-level requirements. As long as the exterior façade remains consistent with what was presented; with materials, entry doors and landscaping the board fully supported the departure request. The applicant has done an admirable job of integrating architectural details and open space design to enhance the building and site. **Therefore, the Board recommends approval of requested departures.**

**Summary of Departures**

| <i>Development Standard</i>  | <i>Requirement</i>  | <i>Proposed</i>   | <i>Comment/Ratio nal BY Architect</i>   | <i>Board Recommendation</i>  |
|--|---|---|---|--|
| <b>1. Nonresidential Street-level Requirement. SMC 23.47A.008.B.3. b</b> | <i>Height and depth of nonresidential space. Nonresidential uses at street-level must have a floor to floor height limit of at least 13 feet.</i>   | <i>12 feet.</i>   | <i>Due in part to the siting of the two-story townhouse-like façade to step away from the upper level to create a more dynamic residential scale.</i> | <ul style="list-style-type: none"> <li>▪ <i>Approved (Design Guidelines: A-2, A-3, A-5, B-1, C-2, C-3, C-4, D-11, &amp; E-1)</i></li> </ul>      |
| <b>2. Residential Street-level Requirement SMC 23.47A.008.D.2</b>        | <i>Residential street-level requirement. Either the first floor of the structure at or above grade shall be at least 4 feet above sidewalk grade or the street-level façade shall be set back at least 10 feet from the sidewalk.</i> | <i>At grade with a minimum setback of 4 feet 1 inch from property line.</i> | <i>Due in part to the siting of the two-story townhouse-like façade to step away from the upper level to create a more dynamic residential scale.</i> | <ul style="list-style-type: none"> <li>▪ <i>Approved (Design Guidelines: A-2, A-3, A-5, A-6, B-1, C-2, C-3, C-4, D-12, &amp; E-1)</i></li> </ul> |

**Summary of Boards’ Recommendations:**

The recommendations summarized below were based on the plans submitted at the April 8, 2008 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings submitted for review on January 16, 2008. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three Design Review Board members present recommended that the design should be approved with the refinements noted to be worked out with DPD. In particular; the upper level façade treatment should be more vibrant to create greater visual interests along Othello, MLK, and courtyard exterior walls. At street-level main entries should be punctuated utilizing the interplay of overhead weather protection, along the Othello and MLK. The 43<sup>rd</sup> Avenue street frontage the building should hold the two-story townhouse base to establish an architectural vernacular sympathetic to lower residential developments. The applicant shall work with DPD, SDOT, and South Transit to incorporate street furniture, art work, and a bus shelter to strengthen

its presence in unique ways to a neighborhood in transition. The Board also recommends approval of the requested departures as stated in the departure matrix. Thus, the project should move forward as designed. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Applicant shall work with DPD to find an appropriate design solution for the final façade pigmentation and design detail of façade surrounding the terrace level courtyard including window detailing. (*Guidelines A-1, A-2, A-7, B-1, C-2, C-3, C-4, D-1, & E-2*)
2. The Board was very supportive of the overall proposed scheme to allow either residential, institutional, or both uses behind the townhouse-like façade at street-level. The Board recommends any changes to the street-level façade and landscaped areas must be approved by DPD and are limited to maintain the intimate scale of townhouse-like units. (*Guidelines A-1, A-2, A-4, A-5, A-6, C-4, D-7, D-12, & E-1*)
3. Applicant shall explore options to protect the Sound Transit art installation. Whether through an agreement with the appropriate agencies or by erecting a fence to protect the art sculpture. The design and installation of street furniture should be complementary and take cues from the Sound Transit Station to establish a stronger pedestrian plaza or piazza. (*Guidelines A-2, A-4, A-10, D-1, D-7, & E-2*)
4. Explore options to protect and enliven the pedestrian environment in the public right-of-way more rigorously. The applicant shall work with DPD to find an appropriate design solution for the placement or design of the entries including canopies or overhead weather protection to make entries readable and protected from inclement weather. Further, the applicant is encouraged to work with Metro to integrate a bus shelter into the proposal. (*Guidelines A-3, A-10, C-2, C-3, D-1, & D-7*)

### **Director's Analysis and Decision: Design Review**

The Design Review Board recommended that the assigned planner should work with the applicant to resolve several Board recommendations prior to final DPD approval. The Director is equally pleased with the overall building design but as noted in the recommendation meeting by the Board, the street level pedestrian experience needs additional design development as well as the upper level façade color choice and architectural detailing. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F) to advance the proposal forward. The Design Review Board identified elements of the Design Guidelines (above) which are critical to the project's overall success with concurrence of the Director.

The location of the development site presents a unique design opportunity given its close proximity to Othello Sound Transit Station and Othello Playfield. Heavy pedestrian activity is anticipated along Othello and MLK that requires individual attention to design detailing and amenity areas. The architect has responded to the comments and concerns from both the public and the Design Review Board and has strived to establish a distinctively designed building from the vantage points from all street frontages. With minor lapses, the siting of the proposed structure set within a landscaped frame to the east and west, is well thought out and executed. The Othello street frontage is still undergoing changes to strengthen public safety and creating

amenity areas. In particular, installation and design of overhead canopies and bus shelter to protect pedestrians from inclement weather did not quite hit the mark. Subsequent conversations with the applicant after the recommendation meeting to resolve other design details, DPD suggested solutions to include extending the depth of the overhead weather protection within Othello and at the corners to provide safe havens was supported by the applicant. Additionally, the Director suggested working with Metro Transit to incorporate a planned bus shelter in the Othello right-of-way to be complimentary to the proposal. If this is unachievable overhead weather protection, resting bars should be alternatives explored to achieve a safe and protected environment for pedestrians in the Othello right-of-way. In addition, vertically off-setting the canopies above the entries would achieve the desired goal of increasing readability while ensuring pedestrian safety from inclement weather conditions.

The design of the new building (containing five residential floors above a one-story commercial base) is proportionally scaled in proportion and materials that has reduced the appearance of bulk through use of modulation, color and fenestration schemes. The design of the proposed structure picks up on architectural elements found in the area with subtle touches to provide visual interest that seeks a sense of individuality. The Director agrees that the color palette on the upper level needs to establish a greater pigmentation depth. The proposed building establishes a strong street presence by stepping back at certain locations from the property line to open up the pedestrian environment with landscaping, street furniture, large storefront windows (along Othello & MLK), and a two-story townhouse-like façade (along 43<sup>rd</sup> Avenue). The Director will work with the applicant to resolve the final color selection.

The Director shared similar concerns with the Board, with the exterior walls enclosing the terrace level courtyard with façade elements needing additional refinement. Since the conclusion of the recommendation meeting the applicant has had several conversations with DPD to resolve this concern and several others. The exterior walls have been redesigned to establish more design integration with the rest of the building to the satisfaction of the Director.

An agreement in principal has been reached between the applicant and DPD with regard to providing decorative pedestrian and vehicle gates adjacent to 43<sup>rd</sup> Avenue South, a residentially oriented street. Final design detail will be secured prior to MUP issuance and final approval of associated building permit. In all cases the Director of DPD affirms the Board conclusions and will support the proposal with recommendations.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines and Othello Neighborhood Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations above and conditions at end. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on April 8, 2008 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented at the recommendation meeting and subsequent plans submitted to DPD on May 13, 2008.

## ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated January 16, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### Short-term Impacts

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.

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Traffic - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. 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 transportation during construction. The excavation of the lower levels 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 material to be removed from the site will be due in part to excavation for a building with three levels of parking will have impacts on surrounding properties. During excavation a single-loaded truck will be used which holds approximately 10 cubic yards of material. This will require approximately 4,684 to 6,008 truck loads to remove approximately 46,835 to 60,084 (includes fluff) cubic yards of material and may require a nominal number of trucks loads of fill material for regarding purposes. The site fronts MLK, a Major Truck Route, and has ready access to I-5, approximately that are anticipated to have minor impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

*Noise* - Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on the nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit construction hours. Demolition and construction activities taking place within an enclosed structure, which meet the standards of the Noise Ordinance, are allowed. 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 by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

*Air and Environmental Health* - Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide; increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of residential and commercial structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### Height, Bulk, and Scale

The proposed six-story project will rise to approximately 69 feet to the top of the parapet from the lowest sidewalk elevation grade along South Othello Street. The development site and surrounding area is located within a Neighborhood Commercial Three Pedestrian zone with a height limit of 65 feet (NC3P-65). The proposed structure will be the tallest building within the immediate area, but within the allowable height limit of the underlying zone, as would otherwise be allowed by code. The adjacent lots contain structures extending no higher than three stories above grade, and are in-keeping or undersized for the zoned height. The proposed building's bulk is scaled within the development envelope to lessen its visual impact upon adjacent properties by employing vertical and horizontal movement within the development site. The proposed building is successfully scaled to be sympathetic to the abutting multifamily zone to the south and single family zone to the east, by steeping the upper level away from property lines to decrease building mass. The proposed project is being developed under allowed NC3P-65 height standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as being sensitive to existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060, and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the 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."* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Traffic and Transportation

The applicant submitted a Traffic Analysis, prepared by Heffron Transportation, Inc., that addressed on-site parking demand and mode of travel. The transportation impacts associated with the proposal are skewed conservatively, due in part to lack of base data related to impacts of the Sound Transit Light Rail system, projected to be operational in 2009. The number of individuals utilizing transit trips is expected to increase after the proposal's estimated completion date in 2011. The report contrasted existing and proposed uses at the development site with impacts associated

with personal trip generation. Trip generation for the proposal was determined by employing figures derived from Trip Generation (*Institute of Transportation Engineers' [ITE], Trip Generation Manual, 7<sup>th</sup> Edition, 2003*). Quantitative values found within the reference document reflect nationwide studies in suburban communities that are not necessarily representative of urban trends. After the numbers of personal trips were identified in the trip generation manual, personal trips then were separated by mode of travel. The mode of travel data were derived from survey results adapted from 2000 census data figures provided by the Puget Sound Regional Council. Four surrounding Transportation Analysis Zones (TAZ: 186, 187, 198, and 201) were identified and quantified into a ratio to interpret potential impacts. Due in part to activity associated with specific uses it is expected that vehicle activity would be different between residential and commercial uses. The residential use is estimated generate 73% vehicle trips, 22% transit trips, and 5% will bike or walk to and from the site. The mode of travel estimates for retail use catering to the local neighborhood is expected to disperse out between 90% vehicle trips, 10% will choosing to either walk or bike, with 0% relying on transit.

The proposed project is anticipated to generate 2,340 vehicle trips per day, 131 vehicle trips during the AM peak hour, and 192 vehicle trips during the PM peak hour. The residential use accounts for approximately 60% (1,410) of the daily vehicle trips. By the proposal's estimated completion date in 2011, the associated impacts on the Level of Service (LOS) on surrounding intersections are negligible, except for one, if no development were proposed. Access to the parking garage is taken off 43<sup>rd</sup> Avenue South will have an adverse impact to the unsignalized intersection of South Othello Street and 43<sup>rd</sup> Avenue South (northbound). The LOS jumps to a Level E (unstable flow; approaching intolerable delay). The location of the driveway is approximately 96 feet from the centerline of the Othello Street intersection. The traffic consultant stated the queue length will reach no more than 74 feet 95% of the time and will unlikely block northbound traffic.

Circulation within the area includes Othello Sound Transit Light Rail Station, bus routes providing access to downtown and other employment destinations. There are also many dining, shopping, medical and entertainment opportunities within walking/bicycling distance and along the public transit routes. The proposed retail use at the development site is expected to draw customers from the immediate area. It is anticipated that abutting streets will handle the increase demand falling within its capacity, so no SEPA mitigation of traffic impacts is warranted.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity is limited and does not appear to be near capacity. Parking can be found during the daytime with limited availability during evening hours. Three hundred and sixty-four (364) off-street parking spaces will be provided on-site for the proposed new uses. Required parking for the types of uses (residential and retail) proposed is zero (0) stalls. The applicant has chosen to provide the parking stalls for 99% of the proposed 367 residential units. In the Othello Station Area Overlay District, no SEPA authority is provided for the decision maker to require more parking than the minimum required by the Land Use Code which is equivalent zero spaces for each propose use; per Section 25.05.675M(2bii).

Peak parking demand for the combine uses; proposed retail use (assumed Shopping Center) and residential (Low/Mid Rise Apartments), to capture the entire development site) was based on empirical studies from the *ITE Trip Parking Generation Report, 3<sup>rd</sup> Edition*. Combine peak demand occurring on weekdays between 7:00 – 8:00 p.m., and on Saturday between 7:00 – 8:00 p.m. The total peak demand under both categories reached 326 stalls, representing a surplus of 38 stalls. On-street parking is limited around the site’s perimeter; the only abutting street where parking is allowed is 43<sup>rd</sup> Avenue South that should accommodate approximately twelve (12) vehicles as presently designed. Based on the mode-share survey results within this neighborhood (TAZ 186, 187, 198, and 201), approximately 22% of the local residents will choose alternative modes of travel, which is assumed will increase once the Light Rail Station is factored into the calculations, will reduce on-site parking demand. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking that might be generated from the proposed commercial uses, if any actually occurs. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### **CONCLUSION - SEPA**

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

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

### **CONDITIONS – DESIGN REVIEW**

The owner/applicant shall update plans to show:

#### **Non-Appealable Conditions**

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.

2. Embed colored elevation and landscape drawings into the MUP and building permit drawings.
3. Update plans and supporting documents to provide consistent and current project information, i.e., parking calculations, residential unit count, etc.
4. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

Prior to Issuance of MUP

5. Applicant shall work with DPD to find an appropriate design solution for the final façade pigmentation and design detail of façade surrounding the terrace level courtyard including window detailing, subject to DPD approval.
6. The Board was very supportive of the overall proposed scheme to allow either residential, institutional, or both uses behind the townhouse-like façade at street-level. The Board recommends any changes to the street-level façade and landscaped areas must be approved by DPD and are limited to maintain the intimate scale of townhouse-like units' front 43<sup>rd</sup> Avenue South.
7. Applicant shall explore options to protect the Sound Transit art installation. Whether through an agreement with the appropriate agencies or by erecting a fence to protect the art sculpture shall be explored. The design and installation of street furniture should be complementary and take cues from the sound transit station to establish a stronger pedestrian plaza or piazza, subject to DPD approval.
8. Explore options to protect and enliven the pedestrian environment in the public right-of-way more rigorously. The applicant shall work with DPD to find an appropriate design solution for the placement or design of the entries including canopies or overhead weather protection to make entries readable and protected from inclement weather. Further, the applicant is encouraged to work with Metro to integrate a bus shelter into the proposal, subject to DPD approval.

Prior to Issuance of any Permit to Grade or Construct:

9. Submit design for approval of decorative gates for pedestrian and vehicles to be placed adjacent to 43rd Avenue South, subject to DPD approval.

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.



