



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D.M. Sugimura, Director

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

Application Number: 3007131
Applicant Name: Brian Runberg and Melissa Wechsler, Runberg Architects for Barrientos
Address of Proposal: 1408 14th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a seven story building containing 6,650 sq. ft. of retail at ground level with 120 apartments above and parking for 93 vehicles below grade. Existing structure to be demolished. Project includes 12,000 cu. yds. of grading.

The following Master Use Permit components are required:

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

1. Sight Triangles – To eliminate sight triangle requirement (SMC 23.54.030.G)
2. Setback – To reduce the setback to the abutting residential zone (SMC 23.47A.014.B)

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

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions*

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

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

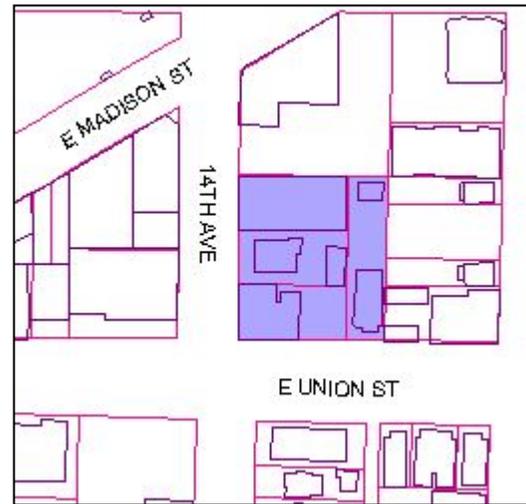
BACKGROUND DATA

Site Description

The subject site, zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3-65'), is located on the northeast corner of the intersection of East Union Street and 14th Avenue. The site is made up of four lots with one existing structure. The slightly irregular rectangular site measures approximately 161 feet by 180 feet for a total of 29,104 square feet. The site slopes gradually down to the west and there is no alley access to the site.

Vicinity

The subject site is located on the south side of Madison Street, between the Capitol Hill, Central District and Squire Park neighborhoods. The NC3-65 zone continues to the north and west of the subject site. The zone abutting the site to the east and across the street to the south, changes to Lowrise 3 (L3). The site is well served by transit. The uses and development surrounding the site include a variety of commercial and residential uses in structures ranging between one and six stories.



Proposal

The proposal includes demolition of the existing buildings and the construction of a new building. The new structure would be a six story mixed use building with ground level retail commercial retail uses, below grade parking for 93 vehicles and five levels of residential use with approximately 120 units above the base. Access to the site would be from 14th Avenue.

BACKGROUND

A Master Use Permit was previously approved on the subject site for a mixed use project. The Department of Planning and Development determined that for the purposes of the Design Review process, the current proposal could use the Early Design Guidance provided for the previous project and progress the design development to a stage more closely associated with a Second Early Design Guidance meeting. The principal changes between the two proposals are the following:

1. Eliminate live/work units along 14th Avenue; include ground level retail instead.
2. Relocate residential lobby from 14th to Union Street.
3. Eliminate secondary access on Union Street.
4. Shift building mass closer to 14th Avenue and away from the east.
5. Include green element to satisfy the new Green Factor code requirements.

Public Comments

Approximately 22 members of the public attended the Early Design Guidance meeting on May 30, 2007. They offered the following comments:

- Believe that renters will have higher vehicle ownership than condo owners. Concerned with the vehicle entrance off of 14th Avenue.
- The proposed massing is much improved from the previous scheme. Support the open space shown at the northeast corner that will be a beneficial amenity to the project tenants.
- The modulation of proposed scheme 2 better responds to the Lowrise zone to the east and locates the bulk closer to the garage abutting the site to the east.
- The traffic often backs up along 14th Avenue and creates traffic congestion. Including a secondary entrance off of Union would help alleviate the vehicle circulation in and out of the site.
- Prefer scheme 2 and finds that scheme 3 masks the lesser materials being proposed.
- Parking problem in the neighborhood. Concerned with the massing of buildings this height along 14th Avenue and the canyon effect that can result. The proportions of the building height should respond to the street width.
- Frustrated with the City for not preserving trees currently on the site.
- The single family residence to the east prefers less building bulk along rear property line and would like to retain as much solar exposure as possible.
- Would like to see a sun/shadow study of the proposed building's impacts to the surrounding neighborhood.
- The proposed construction schedule intends to start in Feb 2008 and continue for 18 months.
- Interested to understand what will set this design apart from other buildings in the city.
- Clarify that census data shows that there is approximately 50% car ownership in Capital Hill.
- The subject lot is much larger than is typical of the area; therefore the proposed massing needs to be creative.
- The proposed massing may be improved from the previous design; however the previous design distinguished itself with exemplary design and architecture. Feels that if the building is pulled apart into three masses, then each mass should be treated differently.
- Disappointed with the small unit sizes and hates to see the perpetuation of transitional apartment type housing in the neighborhood.
- Active roof decks are desired.
- Retail is better suited to 14th Avenue, than Union.
- Concerned with shaded northeast corner and would like to see more open space on the south side.

Approximately 15 members of the public attended the Recommendation meeting held on November 7, 2007. The following comments were offered:

- Question whether the north façade could be a green wall with vines to help provide more interest to the blank wall.
- Clarify that the seventh story is only the roof deck and common recreation room.
- Pleased with the setback shown on the east side of the site, the limited fenestration of the east façade, as well as the shift of the building mass to the north. However, the bulk of the building squarely faces the backyard of the neighbor's property. Would like to see warmer materials and colors on the east elevation.

- Concerned that the commercial spaces are leasable. Do not want to see chain retail stores going in these spaces.
- The intersection at the southwest corner is very important and should be more expressed at street level, be more differentiated at the canopy and include details at the pedestrian level.
- The landscaping adjacent to the corner commercial space results in a sidewalk that is too narrow.
- Clarify that there are no driveways off Union.
- The color palette has too much contrast.
- The traffic has not been addressed and it is important to have controls of the traffic movement in and out of the site.

The SEPA comment period for this proposal ended on August 15, 2007. [Eight comment letters were received focusing on the following issues:](#)

- [Object to the demolition of the existing buildings and businesses to be replaced by a large mixed-use building.](#)
- [New development should be sensitive to the exist Squire Park neighborhood.](#)
- [Support for the proposed design as an asset to the neighborhood.](#)
- [Concerned that the proposed parking is not adequate for the type of uses being developed.](#)
- [Object to the elimination of a driveway off of 14th Avenue.](#)
- [Building materials should be graffiti proof.](#)
- [Given the pedestrian traffic, the live/work units should be on Union Street and the retail should be on 14th Avenue.](#)
- [The new development should add life and character to the neighborhood.](#)
- [Retail uses should replace the proposed live/work uses.](#)
- [Support for the proposed courtyard as a semi-public space.](#)
- [The trees should be preserved and the planting strip should be planted.](#)
- [Innovative and high quality material should be included in the proposed building.](#)
- [Request that the noise and disruption caused by construction will be minimal.](#)
- [Concern that the live/work units will be closed off to the sidewalk.](#)
- [Concerned with the proposed access off of 14th Avenue due to the traffic congestion.](#)
- [Prefer to see affordable housing included in the proposed development.](#)
- [Request to be listed as a Party of Record.](#)

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting, the architect described the site context and proposed program for a mixed use building to be located on the site. Three schemes were presented. All of the options include below grade parking with approximately 121 stalls and access from 14th Avenue. The first scheme (Option A) proposed two buildings running parallel to each other in a north-south configuration. The second alternative (Option B) proposed an L-shaped building situated against the two street edges with the courtyard facing to the northeast. The third and preferred scheme (Option C) proposed a T-shaped configuration with the top of the T along 14th Avenue. The open spaces for all three schemes would be at grade in the areas between building masses, as well as on the roof deck.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the

following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

The Design Review Board reviewed the final project design on November 7, 2007, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Final Recommendation meeting, a more refined proposal was presented by the design team, including the projects architects, developer and landscape architect. The design presented at the Recommendation meeting further developed scheme C, where the building is configured into three principal masses with a central core. The three masses approximate the width of many lots and development in the neighborhood. The site opens up to the southeast and northeast. A free-standing single story commercial structure is situated at the southeast corner. Five commercial retail spaces are located at ground level along 14th Avenue, where the building face has been set back an additional five feet to widen the sidewalk. Vehicular access is from 14th Avenue and residential access is off the courtyard on Union Street. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

Site Planning

- 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 along the street.
- A-5 **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
- A-7 **Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.
- A-8 **Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.
- A-10 **Corner Lots.** Buildings 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 and building program should encourage pedestrian activity. The commercial spaces should utilize transparent windows and overhead weather protection and other details that encourage pedestrian traffic to, from and around the site. The Board was curious about the detached commercial structure shown at the southeast corner of the site. The Board stressed that this commercial area must be designed to accommodate a functional, viable commercial use.

The Board supports the density and diversity captured within the proposed development. The Board also agreed that the east side of the building should endeavor to be quiet, while the west side should attract more activity. However, the Board wants the design of the east elevation to be extremely sensitive to the abutting Lowrise zone. A landscaping plan and fenestration pattern should be developed that protects the privacy of the existing neighbors.

The Board looks forward to reviewing a high-quality, well programmed and well landscaped courtyard level open space design. The Board noted that the requested open space departure is considerable and the design must include elements that emphasize the quality and experience of the open spaces. For example, operable windows and a well programmed, well-landscaped courtyard along with a well-designed hardscape along the right-of-way. The Board stressed that western and southern solar exposure should be maximized for the open space on the site.

The Board noted the high visibility of the southwest corner of the site given the shift in the street grid. The jog in the 14th Avenue alignment creates numerous views of this site from several vantage points. Therefore, the Board would like the design to ground this corner of the intersection. The Board also noted that the design should wrap the commercial use around the corner east along East Union Street.

The Board was concerned with the proposed sole vehicle access along 14th Avenue due to the existing traffic congestion that occurs due to backups at the intersection with Madison. The Board noted that traffic study recommendation would better help inform their position on the location of access. The Board did acknowledge that the proposed project includes far less parking than did the previous project, so the circulation congestion issue may be reduced to such a level that having two driveways is not necessary.

At the Recommendation meeting, the Board was supportive of the detached one-story commercial building situated at the southeast corner and agreed that this design provides a gentle transition between the commercial zone and residential zone to the east. The Board also supported the singular driveway off of 14th Avenue, shifted to the furthest point to the north along 14th Avenue to allow for uninterrupted pedestrian uses and spaces along the remainder of the street frontages.

The ground level commercial spaces have large, transparent storefront windows with dark anodized metal canopies above. The corner canopies are glass and metal and set slightly higher than the others. Blade signs are suspended from the canopies.

Height, Bulk, and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

The Board supported a design that maximizes the potential development allowed by the underlying zone. However, the Board stated that the design and massing of the east portions of the structure should be sensitive to the lower scale (both existing and future) of the abutting Lowrise zone. The Board agreed that the preferred scheme divides the building mass into a configuration that is most sensitive to the abutting zone; however the L-shaped configuration is a more urban form, defining the street edges. Setting back from the eastern property line should be a priority in the configuration of the building masses. The Board felt that the proposed massing is really improved over the previous scheme, but that the architecture needs to really be elevated to meet the improved massing configuration. The Board also noted that western and southern solar exposure should be maximized for your open space.

At the Recommendation meeting, the Board was supportive of the building mass and configuration that shifts the bulk along 14th Avenue and away from the residential zone to the east. The open spaces have been situated at the eastern corners and help buffer the proposed development from the lower scale development to the east. Fenestration along the east façade has been minimized and different materials and colors have been selected to provide visual interest and break down the portion of the elevation that is closest to the eastern property line. See also A-5.

Architectural Elements

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.**

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. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**
- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board looks forward to seeing a cohesive architectural design with details that are thoughtfully considered to help enliven the pedestrian environment and unique location of this building at the corner. Because of the jog in the street grid, the southwest corner design should acknowledge this unusual visibility and strive to enhance this advantageous location through design and materials. The Board appreciated the lantern element shown on the previous design.

The Board agreed that the elevation designs were somewhat repetitive and should strive to further differentiate between the three building masses by emphasizing the areas of separation between them. The three volumes should read as three distinct pieces that are tied together by high quality materials and details. The proposed notched area between the masses along 14th Avenue suggests an entrance at the base; this is misleading and the architecture should provide and reinforce visual cues as to how the building functions.

The Board looks forward to reviewing a more details material and color palette that is reflective of and responsive to the surrounding architectural aesthetic. The Board specified that the windows should be punched openings to create greater texture and shadows along the façade. The proposed materials included ‘richlite’ composite, metal, lap siding, and vinyl windows.

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible.

At the Recommendation meeting, the design presented masses that are articulated through two materials and colors that alternate the body color and bays color. The corrugated metal is a champagne color and the fiber cement board is rust colored. The flat metal panels are the same champagne color at the corrugated metal. The concept was to have different textures using only two colors and two materials (metal and fiber cement panel). The storefront windows are clear anodized metal. Along 14th Avenue, the west façade is separated by a vertical spine of storefront window system for the entire height. The southwest corner is a lantern feature that is mostly glazed and canted at an angle to respond to the shift in the street grid at this intersection. The Board noted that the joint patterns and reveal lines are critical in defining edges and creating shadows and should be well-executed. The Board was split regarding the color scheme and whether the contrast was too sharp and busy. They finally agreed that the following revisions would help make the color and material scheme more cohesive and be more sensitive to the neighbors.

Board Recommended Conditions:

- 1. The joint patterns and reveal lines are critical in defining edges and creating shadows and should be well-executed.*
- 2. Use thinner mullions at the corner bay so that the glassiness of this canted corner is more evident.*
- 3. Make the east elevation warmer by introducing more fiber board (instead of metal).*

The north façade is a blank wall at the property line where the CMU pattern replicates the bay proportion of the west façade. The Board agreed that the design of this blank wall is the best approach given the constraints of the site.

The Board agreed that the canopy over the garage entrance should remain, but be differentiated from the other canopies so that pedestrians are aware of the driveway's presence. The Board would also like to see the paving of the driveway differ between the sidewalk and garage door entrance.

Board Recommended Conditions:

- 4. The overhead canopies above the garage entrance should differ from the other canopies along 14th Avenue.*
- 5. The paving between the sidewalk and garage door should differ from that of the sidewalk.*

Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- D-2 Blank Walls.** Building should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.
- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board agreed that any blank portions of the facades facing to the north and east should be treated to provide substantial visual interest.

At the Recommendation meeting, the Board expressed some concern with the functionality of the trash dumpsters allotted to the commercial uses and encouraged the applicant to further explore how this might be achieved more seamlessly without disrupting the Union Street courtyard space. Currently, the trash area is shown to the east of the detached commercial building at the southeast corner. This area is alongside the egress pathway and is screened with a gate onto Union Street.

The Board was very supportive of the five foot setback along 14th Avenue, allowing for wider sidewalks.

Landscaping

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

The Board encouraged the design to shift the building mass further north to allow the proposed southeast facing courtyard to have great solar exposure and visibility. All of the open space areas should be designed to include details and landscaping providing visual interest and supportive of a functional program. The Board is pleased that larger tree specimens can be accommodated at grade and encouraged the landscape design to integrate such planting. The Board also expects that the landscape plan for the north-facing open spaces is responsive to the shadier condition. This space must be designed to be highly usable either for the ground level units or as a dog-run area as proposed. The Board also looks forward to a well-designed roof top open space.

At the Recommendation meeting, the open space design includes two ground level open spaces. The southeast corner is opened up to the sidewalk and is programmed with hard and soft-scaping, including Japanese Maples, to accommodate the spillover activities from the commercial uses and the main residential entrances. The northeast corner open space is programmed with landscaping to be a more passive area with a dog walking area. The right-of-way retains the existing street trees on Union and includes new street trees along 14th Avenue. The planting strips have also been widened. The roof level is designed to accommodate an amenity room for the building residents, traditional green roof, decking for usable spaces, Sumac trees, as well as potted landscaping materials. The Board was extremely pleased with the proposed open spaces, particularly the rooftop. The trellis feature connecting the communal room and open space was well-received. They agreed that the design, landscaping and usability were very successful.

The Board would like to see vegetation against the building at the corner (as shown on the Canopies and Signage 1.0 sheet of the packet) to soften the grade change of the corner commercial space.

Design Review Departure Analysis

Two departures from the Code were requested at this time. The open space departure originally requested was based on an older code provision. The current proposal meets the public amenity space standards.

Departure Summary Table

STANDARD	REQUIREMENT	REQUEST	BOARD GUIDANCE
SETBACKS SMC 23.47.014	15' between 13' and 40', plus 2' for every additional 10' of height	To allow a 3'-6" encroachment for 30% of lot depth at level 6 only, as well as 11" eaves.	The Board was pleased with reduction of length of building mass, as well as the minimal encroachment of the stair tower. Also find that stair tower provides needed modulation. Board recommends increased warmer materials integrated into this façade. Board voted 4-0 in favor of departure request.
SIGHT TRIANGLE SMC 23.54.030.G	Provide a sight triangle clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway.	No sight triangles. Use of other safety devices.	Use mirrors at points of entry and minimizing disruption of vehicle access on the pedestrian environment is critical. Board voted 4-0 in favor of departure request.

- 1. SETBACKS (SMC 23.47.014):** The applicant proposes a development standard departure to decrease the required setback along the east side of the property from 15 feet to 11'-6". The only portion of the building that will encroach into the setback is the easternmost stair tower, which does not contain any windows and 11" building eaves.

The Board unanimously supported the requested departure. They agreed that the intrusion of the stair tower is minimal and helps provided needed modulation of this façade. The Board agreed that this elevation could better respond to the residential neighbors by using warmer materials besides the proposed metal. (A-5, C-4, see Board recommended condition 2)

- 2. SIGHT TRIANGLE (SMC 23.54.030.G):** The applicant proposed a departure from the sight triangle development standard. The proposed design would eliminate the sight triangle and instead incorporate mirrors and enunciation at the points of entry into the building.

The Board unanimously supported the departure request based on the integration of visual (not audio) devices to alert pedestrian and drivers alike of vehicles crossing the sidewalk.

The Board agreed that the driveway could be further differentiated with contrasting overhead weather protection and paving patterns. (C-5, see Board recommended conditions 3 and 4)

Summary of Board's Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the November 7, 2007 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-10, C-2 and D-2:
 - a) overhead canopies;
 - b) blade signs;
 - c) exterior light fixtures;
 - d) extensive planting in the right-of-way; and
 - e) large, transparent storefront windows.
2. As described under Guideline E-2, the residential courtyard design presented at the Final Design Review meeting.
3. As described under Guideline C-4, the building materials presented at the Final Design Review meeting.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along 14th Avenue and Union Street, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote high quality architecture.

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

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

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

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

ANALYSIS & DECISION – DESIGN REVIEW

Director’s Analysis

Four members of the Capitol/First Hill Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood’s unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-5, C-4 and C-5 and support the case in favor of granting departures from the setback and sight triangle standards.

- 1. The joint patterns and reveal lines are critical in defining edges and creating shadows and should be well-executed.*
- 2. Use thinner mullions at the corner bay so that the glassiness of this canted corner is more evident.*
- 3. Make the east elevation warmer by introducing more fiber board (instead of metal).*
- 4. The overhead canopies above the garage entrance should differ from the other canopies along 14th Avenue.*
- 5. The paving between the sidewalk and garage door should differ from that of the sidewalk.*

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

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

Director’s Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified.

Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 16, 2007. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 11,700 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none">• 11,700 cubic yards of excavated materials.• Underground storage tanks.
2. Environmental Health	<ul style="list-style-type: none">• Demolition of existing structures.
3. Traffic	<ul style="list-style-type: none">• Increased vehicular traffic adjacent to the site due to construction vehicles.
4. Noise	<ul style="list-style-type: none">• Noise generated during construction activities.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth – Grading & Excavation

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. A Geotechnical Report was submitted by PanGeo dated May 23, 2007 for review by the City. The current proposal involves excavation of approximately 10,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

A Hazardous Materials Survey dated February 8, 2005 was prepared by Krazan & Associates under the previous permit, Inc., and noted the presence of two underground storage tanks on the site. The decommissioning and removal of these heating oil tanks was completed by The Riley Group and evidenced by UST Closure Site Assessment Reports dated December 7, 2006 and December 8, 2006. Both closure reports note the presence of contaminated soils that will need to be properly handled and disposed of at a licensed disposal facility as Petroleum Contaminated Soils during site development. Therefore, no additional conditioning for soil contamination is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 1,000 single-loaded truckloads to remove the estimated 10,000 cubic yards of material.

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

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

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

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

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

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted

Height, Bulk & Scale

The SEPA Height, Bulk and Scale Policy (25.05.675.G) 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....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 Policy states that:

"A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."

The subject site is zoned Neighborhood Commercial 3 (NC3-65). This zone is developed with a mix of one to six story structures with a variety of commercial and residential uses. The Lowrise 3 zone, abutting the subject site to the east and across the street to the south, is developed with single and multi family residences. Because the height, bulk and scale of the proposed development is significantly larger than the abutting built environment, the bulk of the proposed building has been significantly reduced in length from the previously approved project and is situated at the mid section of the site, leaving the open space at the northeastern corner allowing increased light and air to the east. Furthermore, the east façade has been treated with a variety of textures and materials to provide visual interest to the neighbors. For these same reasons, the fenestration along the east this façade has been reduced and the upper levels are slightly stepped back to reduce the sense of mass. A vertical stairwell that bisects the portion of the building that abuts the east property line helps break up the modulation.

The site is being developed to Neighborhood Commercial 3 zone standards, per the Land Use Code, and is thereby in keeping with the scale of development anticipated in the area. The discussion above indicates that there are no significant height, bulk and scale impacts as contemplated in the SEPA policy. In addition, the Design Review Board has approved this project and no evidence was presented suggesting that the height, bulk and scale impacts associated with the proposal were inadequately mitigated by the Design Review process. Therefore, no additional mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy.

Parking

The existing site contains three parking spaces. The proposed development includes 93 parking spaces to be provided below grade. Using the Parking Demand Analysis prepared by Heffron Transportation on July 12, 2007, parking generation rates associated with High Rise Apartment and retail from the Institute of Traffic Engineers *Parking Generation Manual* (ITE 3rd Edition) and the Urban Land Institute's *Shared Parking* were used. In addition, a study by the Puget Sound Regional Council of auto ownership statistics in this neighborhood was used to adjust the parking demand.

The Parking Demand analysis suggests that the estimated weekday and Saturday parking demand for the proposed project would generate a peak parking demand of 105 vehicles. The difference of 12 parking spaces between the estimated parking demand of 105 spaces and the 93 parking spaces being provided is unlikely to create adverse parking strain on the surrounding streets for several reasons. First, the parking demands for the residential and retail uses are likely to occur at different peak hours and therefore are not additive and are not expected to conflict with one another. Nearly all of the residential parking is likely to be accommodated on site during the peak hours. This reduction in parking demand is also reinforced by the 2000 Census that shows the vehicle ownership rate for households located in the tract containing and abutting the site to be .71 vehicles per housing unit. Within this range of parking demand, parking demand from the project is not expected to noticeably affect on street parking availability. However, on Friday and Saturday evenings, parking demand could exceed the on-site supply by approximately 12 vehicles between 7:00 PM -10:00 PM. If this occurs, employees or visitors would likely use on-street parking during these hours. Because parking

utilization in the area tends to be high, travel behavior is often modified. Customers, employees or visitors may change modes of travel and/or the businesses may focus on walk in customers from the local neighborhood.

To help reduce the parking demand generated by the project, page 8 of the parking study outlines several parking management elements to be adopted as part of the proposed development. In summary, these plans include:

- Sell/lease parking in the building separately from the residential and commercial spaces.
- Price parking to discourage long term employee parking
- Develop a commuter information packet/brochure (CIP) that provides information about transportation options.
- Provide a commuter information center that includes copies of the CIP and transit schedules.
- Provide free, covered, secure bicycle parking.
- Provide a parking space designated for a car sharing program, such as Flexcar.

These proposed measures shall be adopted as a non-appealable condition of the project. No further mitigation is required.

Traffic

A traffic generation study was submitted to DPD by Heffron Transportation dated July 12, 2007 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. In addition, a study by the Puget Sound Regional Council of mode of travel statistics in this neighborhood was used to adjust and inform the traffic generation rates and mode split assumptions. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Land Use	Independent Variable	AM Peak Trips Generated	PM Peak Trips Generated	Total Daily Trips Generated
Proposed	Residential	(Unit Count) 120	26	40	484
Proposed	Commercial	6,650 SF			

The previously approved project on this same site was anticipated to generate approximately 826 trips per day, with 56 trips during the A.M. peak hours and 73 trips during the PM peak hours. The prior analysis did not account for pas-by trips or the higher levels of transit and non-automobile mode use that is common in this neighborhood. As shown, the proposed project is expected to generate less traffic than was expected for the previous proposal. Using the ITE data, there will be approximately 484 additional daily trips associated with the proposed combination of uses. At the AM peak time, the net increase in trips will be approximately 26 trips and the net increase of

the PM peak hour trips is estimated to be 40 trips. This relatively low number of additional trips will not substantially impact the existing levels of service of surrounding intersections.

Southbound traffic on 14th Avenue may be blocked by project traffic turning left into the driveway. As a result, this left-turning traffic may be blocked by northbound traffic on 14th stopped at the signalized intersection at 14th /Madison/East Pike Street. Given the proximity of the project driveway to this intersection, northbound queues may frequently extend past the driveway. To prevent southbound left-turning traffic from delaying southbound through traffic while waiting for the northbound queue to clear, the project shall work with the SDOT to install appropriate signage prohibiting southbound left-turn movements from 14th Avenue into the project driveway.

The estimated increase in trips during the PM peak hours is not considered a significant impact and no further mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

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

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

The owner applicant/responsible party shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

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

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (non-appealable)

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis.

Prior to Building Permit Issuance

4. The joint patterns and reveal lines are critical in defining edges and creating shadows and should be well-executed.
5. Use thinner mullions at the corner bay so that the glassiness of this canted corner is more evident.
6. Make the east elevation warmer by introducing more fiber board (instead of metal).
7. The overhead canopies above the garage entrance should differ from the other canopies along 14th Avenue.
8. The paving between the sidewalk and garage door should differ from that of the sidewalk.
9. The plans shall reflect those architectural features, details and materials described under Guidelines A-2, A-4, A-7, A-10, C-2, C-4 and D-2.

Prior to Pre-Construction Conference

10. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

11. Compliance with conditions #3-8 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

Prior to Issuance of the Certificate of Occupancy & For the Life of the Project

12. Per page 8 of the Parking Demand Analysis, the owner shall implement the following measures:
 - Sell/lease parking in the building separately from the residential and commercial spaces.
 - Price parking to discourage long term employee parking

- Develop a commuter information packet/brochure (CIP) that provides information about transportation options.
 - Provide a commuter information center that includes copies of the CIP and transit schedules.
 - Provide free, covered, secure bicycle parking.
 - Provide a parking space designated for a car sharing program, such as Flexcar.
13. To prevent southbound left-turning traffic from delaying southbound through traffic while waiting for the northbound queue to clear, the project shall work with the SDOT to install appropriate signage prohibiting southbound left-turn movements from 14th Avenue into the project driveway.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

14. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
15. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
16. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
17. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
18. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been

achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: _____ (signature on file) Date: January 28, 2008
Lisa Rutzick, Land Use Planner

LR:bg

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