



## **AREA DEVELOPMENT**

The site is four platted lots and has different zoning. Zoning at the north end of the site is Neighborhood Commercial 3 with a height limit of 65 feet (NC3P-65). There is a pedestrian overlay (P). The next, mid-site, zoning to the south drops the Pedestrian (P) designation and remains NC3-65. The southern most parcels on the site are zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). Neighboring uses include a two story woodshop to the south, a large parking lot and a clinic to the west. The Summit apartments and a Safeway grocery store are across 22nd Avenue; the parking entry to the Safeway store is located on 22nd Avenue across from the south end of the subject site.

## EARLY DESIGN GUIDANCE

### Architect's Presentation

The developer introduced the design team and himself. He pointed out his long time residence in the area and briefly described the site. Mr. Mueller pointed out that the corner of 22nd and Madison Street has been the home of several popular music venues. Former businesses located in the area include the R&B/jazz club Birdland named for Charlie "Bird" Parker. In the mid-1950's, the area hosted artists such as Quincy Jones, Ray Charles, Ernestine Anderson and later, Jimi Hendrix. Other clubs included the Mardi Gras, and the Twilight Exit. He pointed out the site's unique geometry and the wishes of the design team to explore some architectural response to both the music history of the site and the physical geometry.

The architect began his presentation by describing the details of the site's location in the city and the geometry created by the street grid and platted parcels. The site is at the bend of Madison Street and 22nd Avenue. The site is three platted lots and has different zoning. Zoning at the north end of the site is Neighborhood Commercial 3 with a height limit of 65 feet (NC3P-65). There is a pedestrian overlay (P). The next, mid-site, zoning to the south drops the Pedestrian (P) designation and remains NC3-65. The southern most parcels on the site are zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). The sidewalks are curb and gutter and the 22nd Avenue sidewalk is an amenity that is approximately 16 feet wide. At the upper levels there will be views to the west and to Mount Rainier. Neighboring uses include a two story woodshop to the south, a large parking lot and a clinic to the west. The Summit apartments and a Safeway grocery store are across 22nd Avenue; one parking entry to the Safeway store is located on 22nd Avenue across from the south end of the subject site. Currently the site is occupied by the Twilight Exit tavern and USA Nails salon, parking, and a vacant single family house.

Three concept alternatives were presented to the Board. All three approaches have underground parking, a garage entry near the southeast corner of the site, some covered parking at grade level, retail at grade along Madison Street and 22nd Avenue, a residential entry located on 22nd Avenue and a fourth floor terrace on the south end of the site due to the lower height limit NC2-40 zone.

Alternative One has a dominant curved façade along 22nd Avenue. The proposed retail spaces are large and the residential entry faces onto the knuckle of 22nd Avenue. The curved façade holds the building footprint off of the property line and could allow for a large entry courtyard

when melded with the wide sidewalk. The residential units are double loaded along a corridor, a large south facing terrace on the fourth floor, and a second story garden terrace which faces to the west.

Alternative Two is a similar proposal as noted above, but the 22nd Avenue façade follows the property line “jog or knuckle”. The residential entry is south of the retail uses and somewhat close to the garage entry. The retail spaces are not as deep as alternative one. The second floor garden terrace is similarly located on the west side of the building with views and light out to the west.

Alternative Three is similar to the other alternatives, but the garden terrace at level 2 is located on 22nd Avenue. The first floor follows the property line along 22<sup>nd</sup> and thus reflects the 22nd Avenue knuckle bend. The levels above the terrace would have east, south and north views into the garden terrace and along 22<sup>nd</sup> Avenue. The retail, parking and residential entries are the same as alternative two where there is more parking, less deep retail spaces and two residential entries. No anticipated development standard departures were discussed at the meeting.

#### Board Questions and Comments

The Board had several questions of the architect regarding the proposal alternatives. They were as follows with response by the architect. :

- Is the amount of open space similar in scale for all three schemes? Yes it is.
- Is the garage entry at the south for all three schemes? Yes it is.
- What types of materials are being considered for the building? Fiber cement panels, storefront anodized aluminum systems and vinyl windows may be in the palette.
- How could you build in a programmatic response to your interest in the musicological nature of the site? There could be studio space for practice, reduced residential unit rental for musicians, a music venue, a music store, music school, etc.
- Are townhouses a part of these design proposals? No, there are no townhouses.
- There appear to be different residential entry locations. What is the thinking on locating the residential entry? The preferred alternative has a residential entry at the knuckle where the largest outdoor space, one or more retail spaces and the residential lobby can interact. At the same time we are exploring moving the residential off the knuckle to avoid the Safeway vehicle entry across the street
- How can you add to the pedestrian experience at the knuckle? How will the human activity be animated there? Outdoor uses related to the ground floor retail, pedestrian and residential passers-by and landscape design can help activate the area.
- How will one experience different geometries at the corner and at the knuckle? This will be developed and described later
- How will the garden roof tops be managed? More details will be coming at the next meeting
- What kind of retail will be interested in locating at this site? A restaurant may be a good fit and further research will determine other interested retail establishments.
- What is the width of the sidewalks? The architect quoted 16 feet on 22<sup>nd</sup> Avenue

- Describe the design relationship to the clinic building on Madison Street. How will the exit work there? The exit will be recessed with a transparent fence along the property line.
- What is the floor to floor height at the first floor retail? The floor to floor height is 13 feet.

#### Public Comments

Approximately 13 members of the public were present. Their comments included the following.

- The Safeway Summit building across 22<sup>nd</sup> Avenue still has vacant retail spaces on Madison Street. Please find a way that the retail spaces can be attractive enough to be rented.
- The light industrial building to the south appears to be only 2 feet off of the property line.
- The garden terrace at the second floor would give southern exposure and views to the south and possibly Mount Rainier if it was located on the south side of the building rather than on the east or the west facades.
- Scheme number 1 is a good scheme. The curved façade is interesting. Traffic on 22nd Avenue can move very fast and should have traffic calming measures. Encouraging pedestrians to activate 22<sup>nd</sup> Avenue is important. Opportunities for southern light to be captured in plazas or residential units would be a good design move.

#### Board Deliberations

- The Board shared initial reactions including curiosity and desire to see the site geometries fully explored and studied for best design solutions for the site, especially design of the ground plane. The site geometries include the orthographic intersection of 22nd Avenue and Madison Street, a somewhat unique form on Madison Street and the knuckle or jog of the property midway along the 22<sup>nd</sup> Avenue façade.
- A south facing garden terrace would help optimize the sites location and ability to provide solar access.
- Keep the wide sidewalk and use it to spill onto the site where possible.
- The residential lobby form and program should encourage more activity than to serve as a simple pass through.
- Scheme one is preferred by the Board.
- Overhead weather protection should be provided along both streets and good quality materials should be used.
- Loading functions for the building need to be identified and integrated into the site and building.
- The corner at 22<sup>nd</sup> Avenue and Madison Street should have an appropriate architectural treatment.

#### DESIGN GUIDELINES.

##### **A Site Planning**

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

Examine the unique site geometries and express them in an appropriate architectural manner. Consider the “knuckle” in this site in designing the ground plane to include special characteristics that could be gleaned from the unique site opportunities. Stories of the site history, uses and greats who may have played music on site are encouraged to be explored in architectural expression and programmatic commitments such as practice studios, reduced rent programs, music performance or club settings.

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

The current and commodious sidewalk on 22<sup>nd</sup> Avenue should be retained and enhanced by siting the building footprint to reinforce the open feeling and pedestrian scale.

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

Retail spaces should engage the sidewalk and encourage transparency. The design should create level entries with the sidewalk for retail uses.

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

The Board wants to see the fourth floor south terrace well designed and utilized as well as for any roof top open space. The Board directed the applicant to create a garden terrace located on the south side rather than the east and west facing alternative shown in the edg packet schemes.

***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 expects to see a strong architectural solution at the corner of 22<sup>nd</sup> and Madison to be presented at the next meeting. This corner should communicate the resolution of the site geometries, history and position along Madison Street.

## ***C Architectural Elements and Materials***

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

The street level design should have high quality materials, overhead weather protection and building to sidewalk relationships that work with the residential lobby and entry, sidewalk interface, and retail uses. The street level landscape design should be developed within a full definition of plants, paving, sculpture, public art, seating, water features etc.

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

The Board would like to see high quality materials for building materials on this project. Materials or material boards and color should be presented at the next design review meeting.

***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 directed the applicant to study the garage entrance and the impacts on the sidewalk in light of the many users who will be frequenting the garage.

## ***D Pedestrian Environment***

***D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.***

The Board directed the applicant to study the building façade curve and present a design that responds appropriately to the site geometries and at ground level ensures the comfort and security of the pedestrian spaces.

***D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.***

The south façade of the building at grade is the parking level and should be designed with care to minimize the impact on the neighbor to the south and to create an interesting visual appearance.

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

The applicant should bring a signage plan to the next meeting

***D-12 Residential Entries and Transitions. The space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians.***

The residential entry and lobby should interface with other uses to make it a lively and attractive part of the development.

## ***E Landscaping***

***E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.***

The Board directed the applicant to fully develop a striving and interesting landscape plan to enhance the building and site especially around the “knuckle”, the terraces, the corner streetscape, planting strips and other open spaces

The applicant is anticipating several development standard departure requests at this time. They may include relief from street level transparency, site triangles, and structural building overhangs. The Board will entertain departures from development standards if they help the project better meet the priority guidelines stated above.

The applicant applied for a Master Use Permit on November 13, 2007.

### **RECOMMENDATION MEETING – November 19, 2008**

The Board was reconvened to consider the design response to the Early Design Guidance and to make recommendations to DPD on November 19, 2008.

#### **Architect’s Presentation**

Mithun Architects made the presentation to the Board and Public. The architect briefly reviewed the project site, vicinity uses, opportunities and constraints of the project site. He explained the design intent of the building forms, colors and massing. He presented the response of the architectural design to the site geometries and additional setback at the sidewalk level. He presented the separate open space areas where adjoining residents can step out onto small decks and the roof top open space available to all residents. The Landscape Architect presented the open space design and planting plans. The building is proposed to be clad in hardi panel used both vertically and horizontally and as an entry element. The architect showed the board drawings that describe the residential entry with a red wall element which extends from the inside of the residential lobby to the exterior as a way finding element. A permanent display related to the music history of the site will be installed in or near the lobby entry. The color palette will be a beige background which changes in hue across the length of the building along with a bold accent red used in varying forms along the building façade.

#### **Board Clarifying Questions**

Board questions focused on construction details of hardi board cladding, window and corner details and the color palette. Questions continued regarding soffit and regret details, coping and venting hood chase locations. The Board asked for more details on the west façade composition. One Board member asked about the “knuckle” treatment and its visibility in the project entry sequence and sidewalk experience.

#### **Public Comments**

Approximately 14 members of the public attended the meeting. Several members of the public made comments. Their comments include the following:

- Plant mid-height plants at the north portion of 23<sup>rd</sup> Avenue. The larger plants would serve as a screen from vehicle headlights for the retail corner and any sidewalk café patrons.

- The red pillar at the residential entry could use some lighting.
- Change the red pillar at the residential entry to an all lighted pillar.
- The strong vertical bays of the building form are very good.
- The painted bays may be hard to maintain.
- There should be overhead weather protection for the public sidewalk and not just attached at the building for the retail/restaurant near the building.
- The west façade concrete plinth is too high and blank.
- The angled bays make an interesting facade.
- Study the penthouses and choose their color and detailing so they blend with the project.
- Please check that the façade ordering and composition includes the windows layout.

### Board Deliberations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Commercial and Mixed Use Buildings*" of highest priority to this project.

### Board Discussion

The Board began discussions by noting several topics of primary interest. Residential and retail entry spaces need to read better from Madison and as one travels along the sidewalk. They noted that the pedestrian environment needs to be more dynamic. There is an opportunity to develop a more striving design on the ground plane for public interaction and space making. A new design should open up more walkable and gathering surfaces areas and reduces some areas of landscaping to create a better circulation and more open areas for pedestrians. The red elements should have some relief, i.e. pop out from the building. The planting plan does not relate to the building architecture, the western elevation is not as well designed and it is a façade that is very visible.

The Board continued to deliberate and discuss the different facades of the building, the sidewalk and open space terraces and details of the building. They consulted the architects on different proposed design and construction aspects. The Board requested that a musical reference be used in the residential lobby at least. The board thought the existing weather protection plan was sufficient. The Board questioned the relationship of the building and the sidewalk and even suggested that the designers consider more musical reference along the 23<sup>rd</sup> Avenue façade to help the façade references "touch down" onto the sidewalk where it could become more comprehensible at the ground level. The Board discussed how the garage entrance needs to have the garage door closed most of the day and night in order to provide a continuous façade along 23<sup>rd</sup> Avenue. They suggested a project condition to have the garage door operable by key card entry to help keep the garage door closed. The Board considered the proposed departures from development standards.

Summary of Requested Departures

#	Development Standard	Requirement	Proposed	Departure Amount	Comments	Board Action
1	SMC 23.53.035 A 4 c Structural Building Overhangs	9 feet along the leading edge	12 feet along the leading edge	3 feet	The code allows for 15 foot angled bay projections. A 12 rectangular bay allows for better space in the units and responds to the design language of the proposal.	Recommend approval
2	SMC 23.54.030 D2A2 Driveway width	Minimum width for two way traffic shall be 22 feet.	Decrease driveway width to 20 feet.	2 feet	Reducing the driveway width to 20 feet lessens the impact of 23 <sup>rd</sup> Avenue, users will be repeat users.	Recommend approval
3	SMC 23.54.030G Site Triangle	Site triangle shall be kept clear of obstructions	Use mirrors instead of sight triangle	full	Applicant will provide other means for pedestrian safety, for instance, mirrors, paving, lighting.	Recommend approval

After considering the proposed design and the project context, hearing public comment, and reviewing the design priorities, the Board feels that the guidance has been addressed by the applicant. The Board unanimously **recommends approval** of the departure requests to the Director. Conditions in the decision should include the following unless they are documented on up-dated MUP plans by the design team in advance of the building permit issuance:

1. Provide a key card entry, or similar device to the vehicle garage.
2. Study options, and provide a solution for DPD review, to bring the musical references in the design elements to the ground plane. This could be a continuation of the red panels or something else.
3. Provide a musical interpretive display, or rotating musical interpretive displays, describing the music history of the site, or album cover art in the residential lobby.
4. Redesign the landscape along 23<sup>rd</sup> Avenue. Landscaping should be viewed in its largest definition of plants, sculpture, art, grade changes, seating, paving, place making. Have the landscape respond, signal or give way to the residential and retail entries. The landscaping should be dedicated more to providing more open areas and spaces for circulation and gathering. Also extend the proposed paving pattern out into the right of way from the retail areas, too.
5. Provide notes on the MUP plans for a “pedestrian safety plan” at the vehicle garage entry. Mirrors, lights, stop signs, and change in paving should be considered.

## **ANALYSIS AND DECISION - DESIGN REVIEW**

Departure 1 listed in the above matrix meets priority guidelines A-1, A-2, and C-3. The Board requested that the project respond to site conditions (A-1); that the building acknowledge and reinforce the spatial characteristics of the right of way (A-2); and that the building present features to achieve a good human scale (C-3). The departure request for a wider bay window allows the building to architecturally respond to the curving property forms, to articulate the building and make it visible from the streetscape environment, and lastly to help create human scale on the building façade. Incorporating larger bay window features will activate the rhythm of the design concept. The bays proposed in this plan are triangular “punch outs” that fan across the curving east façade of the building. They add more interesting windows and modulation to the façade. The Board recommends approval of the wider bay window.

Departure 2 and Departure 3 listed in the above matrix meets priority guidelines C-5 and D-5. These two departures are linked to the design and streetscape suppression of the garage entrance. The presence and appearance of garage entrances should be minimized so that it does not dominate the street frontage (C-5). By decreasing the driveway width the garage entrance is minimized and its presence on the streetscape is reduced. The visibility of at-grade parking structures should be minimized (D-5). By allowing for alternative site triangle design and by adding safety precautions, the proposed design better meets the design guidance. The project is conditioned to add safety features for pedestrians at the garage entrance and sidewalk interface. The Board recommends approval of the narrower garage entry and site triangle modifications.

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings* and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD, and as conditioned below, as of January 15, 2008. The design as presented at the design review board meeting and the recommended **development standard departures** described above are **approved**.

## **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. 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 (SMC25.05.665) 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: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05.794). However, due to the residential density and close proximity of neighboring businesses, further analysis of construction impacts is warranted.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Noise

Noise associated with construction could adversely affect the surrounding uses, thus the limitations of the Noise Ordinance are found to be inadequate. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted. Thus, limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request pursuant to SEPA authority to mitigate construction impacts (SMC 25.05.675B).

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: 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 a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Storm water, Grading and Drainage Control Code (storm water 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.

#### Drainage and Water Quality

Rain water on roofs and roof decks are the major sources of water runoff on this site. The rainwater will be collected in gutters and connected to the storm drainage system. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

#### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

#### Height, Bulk and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **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. 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 43.21.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

### **CONDITIONS – DESIGN REVIEW**

#### *Prior to building permit issuance*

1. Provide a key card entry, or similar device to the vehicle garage for DPD review.
2. Study options, and provide a solution for DPD review, to bring the musical references in the design elements to the ground plane. This could be a continuation of the red panels or another architectural feature.
3. Provide a musical interpretive display, or rotating musical interpretive displays, describing the music history of the site, or album cover art in the residential lobby for DPD review.
4. Redesign the landscape along 22nd Avenue and submit plans for review and approval by DPD. Landscaping should be viewed in its largest definition of plants, sculpture, art, grade changes, seating, paving, place making. Have the landscape respond, signal or give way to the residential and retail entries. The landscaping should be dedicated more to providing more open areas and spaces for circulation and gathering. Also extend the paving pattern out into the right of way from the retail areas all for DPD review.
5. Provide notes for DPD review on the MUP plans for a “pedestrian safety plan” at the vehicle garage entry. Mirrors, lights, stop signs, and change in paving should be considered.

*For the Life of the Project*

6. Landscaping shall be hardy and attractive with low maintenance and low water usage choices. Use native plants as much as possible. All landscaping areas shall be irrigated. A new realignment of the southeast corner landscaping should be updated on the plans.
7. The building style and materials are to remain the same as shown in the recommendation packet and the MUP plans and these conditions, through the construction and building phase. If there are changes then the architect must contact the land use planner (Holly Godard at 615-1254) in advance to discuss the proposed changes.
8. Commercial transparency must be retained during daylight hours Monday through Saturday at least three (3) feet into the commercial space.
9. 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 (Holly Godard 206-615-1254).
10. 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.
11. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
12. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

**CONDITIONS – SEPA**

*Prior to Issuance of Demolition Permits*

13. The applicant shall submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

*During Building Demolition, Site Work and Building Construction*

14. 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.

15. The owner's and/or responsible party(s) shall: Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD ([holly.godard@seattle.gov](mailto:holly.godard@seattle.gov)) to adequately evaluate the request.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: April 9, 2009  
Holly J. Godard, Land Use Planner  
Department of Planning and Development

HJG:bg

H:\projects..godardh\SEPA\3006 files\3007358 2051 East Madison Street decision.doc