



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: 3007539
Applicant Name: Roger Newell, Project Architect for Nebil Dikmen
Address of Proposal: 5803 24th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six-story, 31 unit residential building with parking for 39 vehicles located below grade. Early Design Guidance conducted under Project #2006202.

The following Master Use Permit components are required:

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

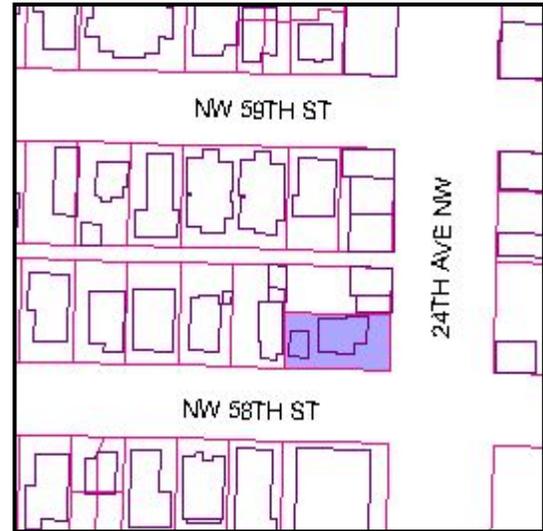
1. Structure Width – To increase structure width requirement (SMC 23.45.052A).
2. Structure Depth- To increase structure depth requirement (SMC 23.45.052B).
3. Modulation – To decrease modulation requirements (SMC 23.45.012).
4. Setback – To decrease setback requirements (SMC 23.45.056B).
5. Structure in Setback – To allow structure in required setback (23.45.056D2).

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.

SITE & VICINITY

The project site which totals approximately 9,288 square feet is located at the northwest corner of the intersection of 24th Avenue NW and NW 58th Street in Ballard. There is an improved platted alley along the north property line. The site is currently vacant. The subject lot slopes gently downward from the north property line along the alley to the south property line adjacent to NW 58th Street. It is not located within any identified or designated Environmentally Critical Area. The property is zoned Multifamily Residential Midrise – Residential Commercial (MR – RC), which allows for limited small commercial uses within a multifamily structure. Additionally, the site is within the Ballard Municipal Center Master Plan boundaries. This master plan outlines specific design guidelines for developments in general and 24th Avenue Northwest specifically.



Twenty-fourth Avenue NW is classified as a *minor arterial* and 58th Street is a non-arterial street, pursuant to SMC Chapter 23.53. Properties surrounding the site to the north and east are also zoned MR - RC. Properties to the west are zoned Multifamily residential, Lowrise 3 (L-3), a less intensive multifamily residential zone. Properties to the south are zoned Neighborhood Commercial 3 with a sixty-five foot height limit (NC3-65), which allows mixed use development. From NW 58th Street south, 24th NW is a Pedestrian designated zone. Development in the area is a mixture of older multi-story, multi-family residential buildings, one-story commercial buildings including the QFC grocery store and some relatively new mixed use buildings. There is no distinct character in the immediate neighborhood. However, Ballard does have distinct elements characteristic of well designed and historic local buildings.

BACKGROUND

A similar proposal at this site for 31 residential units and parking for 39 vehicles was originally approved by the Northwest Board in 2002 under different ownership (Project #2006202). The decision was published in May of 2003. The site was subsequently sold and the new owner engaged a different architect to redesign the building, preferring a more contemporary approach but with the same number of units and parking. After a building permit application was submitted under the original MUP to DPD earlier this year, DPD determined that the design had changed substantially and should return to the current Board for review and recommendation. DPD determined that Early Design Guidance could be waived but a new Master Use Permit was required. This recommendation report includes the Early Design Guidance for the original project. This project falls within the Ballard Municipal Center Master Plan Area and is thus subject to the BMC Design Guidelines as well as the Citywide Guidelines.

Some of the significant changes are:

- 1) different architectural style (now contemporary vs. more traditional).
- 2) different exterior colors and materials (paneling and metal vs. brick and shingle).
- 3) 2-story townhouse units on NW 58th have been eliminated.
- 4) different modulation on each façade.

Two comment letters were received during the SEPA comment period for this proposal which ended on November 28, 2007. One letter was very favorable and endorsed the project as designed. The other was opposed to the project because of its scale and bulk.

ANALYSIS - DESIGN REVIEW

A Recommendation Meeting was held on November 26, 2007. The architect for the project briefly reviewed the intended program and the major features of the proposed design, paying particular attention to elements of the design that adhered to the previous design and responded to the Design Guidelines and the Board's earlier guidance for the previously approved project.

The proposal is for a six-story residential building with 31 units and parking for 39 vehicles. There will be three units facing Northwest 58th Street at grade that will have direct access from the street. The remainder of the units will be accessed from the residential lobby located mid-site on Northwest 24th. The proposed structure sits on a masonry base with vertical masonry elements that rise to the roof. The rest of the façade above the first level combines vertical metal siding with smooth open-joint, Hardi-panels secured with visible metal grommets and aluminum-frame windows.

The structure would be provided with an open-space terrace on the south and east sides at street level. All access to the proposed parking, both underground and at grade would be from the alley.

Residential units above the terrace level would be provided with decks protruding from the structure out over a portion of the terrace below. The terrace is surrounded by a landscaped planter at the sidewalk broken at entry points for the street facing units on the south and for the lobby entrance on the east. There is additional terracing at the fourth level on the south and west facades. Street trees and additional plantings would be provided at grade along 24th Avenue Northwest, in planters on the terraces and on the roof garden.

PUBLIC COMMENT

There were two public attendees at the recommendation meeting. One person had a number of questions about the details of the project. Another person expressed concern about pedestrian and bicycle safety from vehicles exiting the alley onto 24th Avenue Northwest. Recent changes on 24th Northwest by the Seattle Department of Transportation have eliminated one drive lane, added a bike lane and now allow on-street parking. The concern is that vehicles exiting the alley will not be able to see oncoming traffic until they are all the way into the bike lane.

BOARD DELIBERATIONS AND RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, at the November 26, 2007 meeting, the Design Review Board members provided the following recommendation 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 Board was concerned that the façade at 24th Avenue NW does not meet the goals of the Ballard Master Plan (BMP) and its guidelines for building facades at sidewalk edge. Specifically, the current building design is set back from the street and the 2-story masonry base of the previous design has been diminished. The Board acknowledged, however, that this is a residential building with no retail uses. The BMP does call for building setback above the second level and in this case the entire building is setback aside from the twenty-foot long masonry wall at the alley entrance. (A-2; A-4)

Though the wall at the alley entrance does somewhat maintain the continuity of the buildings at the sidewalk, the Board was concerned about visibility for vehicles exiting the alley and pedestrian safety. Because of recent changes along 24th NW by SDOT, vehicles exiting the alley must proceed all the way into the bike lane adjacent to the street parking before they can see oncoming traffic. To improve pedestrian safety the Board recommended that the wall be shifted 12" to the west and landscaping be installed at the sidewalk edge to soften the effect. (D-2; D-5; D-7; D-8)

The Board particularly liked the 2-story brick base of the previous design commenting that the current design seems top heavy and the material quality appears to have been diminished as well. This speaks to pedestrian experience on 24th Avenue NW where other buildings do have solid bases. Hardi-panel appears to be the predominant material at the building entry. The board directed the applicant to extend the masonry treatment into the entry to provide a more durable character to the entrance. (A-3; C-2; C-4). The vertical elements of the design appear to make sense, however, the stair core on the east façade that is sheathed in aluminum siding should be extended to the same plane as the adjacent cantilevered decks. The Board inquired as to the profile of the metal siding (boxed or wave?); the applicant will provide the actual material to the planner before permit issuance.

The Board felt that the south façade along NW 58th Street reads well but would like to see an additional street level entrance on this façade with the same arbor treatment. This arbor should possibly be extended to, and around the corner to give the corner more presence. (A-2; A-3; A-10; C-2) The low planter wall serves to enhance a feeling of security for the residents but should reflect the same masonry base as in the building to provide continuity (A-6; E-1; E-2).

CONDITIONS

The Board recommended approval of the project design with the condition that the applicant works with staff to resolve the following issues:

1. Extend the masonry materials into lobby entrance at 24th Avenue NW.
2. Extend the stair tower at the east façade to the same plane as the adjacent cantilevered decks.
3. Concrete planter walls must reflect the same masonry as the building base.
4. Add additional street-level residential entrance on south façade near corner with arbor treatment that extends to, and around, the corner.
5. Move masonry wall at alley entrance to the west 12" to improve vehicle visibility and pedestrian safety. Add landscaping to base of wall at sidewalk edge.

DEVELOPMENT STANDARD DEPARTURES

The following departures were requested:

Departure Summary Table

STANDARD	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Structure width (SMC23.45.052A) Not to exceed 40' w/o modulation.	Request to exceed structure width by 6.33".	Structure width to incorporate below grade garage entrance at west side of site.	The Board unanimously approved this departure.
Structure Depth (SMC23.45.052B) Not to exceed 65% of lot depth.	Request to exceed by 13.1' on 1 st floor; 17.1' on second floor' 10.4' on 3-6 floors.	Structure Depth required to cover at grade parking off alley. D-4.	The Board approved this departure agreeing that the parking at the alley should be covered.
Modulation (SMC23.45.012) 8' X 10' for every 40' of building façade & structure depth >65%.	No façade is modulated to code standards.	Though modulation is less than required, differences in materials, colors, textures and vertical modulation work to accomplish the intent of the requirement. C-1; C-2.	The Board approved this departure with modification to stair tower at east façade. See conditions.
Rear Setback (SMC23.45.056B) 15' average with less than required modulation.	Request 7.02' setback.	The decrease in setback is due to covered at-grade parking with terrace above. D-4.	The Board unanimously approved this departure.
Structures in Required Setback (SMC23.45.D2) 70sf allowed for arbors in front setback.	Request approx. 250sf arbor structures (3) in front setback.	Arbor structure serves to accentuate street-level residential entries and give lower-density character to the south façade. A-3; C-3; E-1.	The Board approved this departure and recommends more coverage for an additional arbor entrance. See conditions.

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 26, 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. The Board recommended that the applicant work with staff to resolve the following issues:

1. Extend the masonry materials into lobby entrance at 24th Avenue NW.
2. Extend the stair tower at the east façade to the same plane as the adjacent cantilevered decks.
3. Concrete planter walls must reflect the same masonry as the building base.
4. Add additional street-level residential entrance on south façade near corner with arbor treatment that extends to, and around, the corner.
5. Move masonry wall at alley entrance to the west 12” to improve vehicle visibility and pedestrian safety. Add landscaping to base of wall at sidewalk edge.

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 Northwest 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 and accepts the conditions recommended by the Board that further augment the selected Guidelines.

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 four 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. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

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 summarized at the end of this Decision.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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 dated October 18, 2007 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, 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.

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, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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 Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

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 residential uses. 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.

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 are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

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

During Construction

The owner applicant/responsible party shall:

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. 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.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

2. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily use or structure, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement. (SMC 23.54.015, Chart B, Note 4: Notice of Income Restrictions)
3. 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 (Marti Stave, 684-0239), 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.

