



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: 3008728
Applicant Name: Scott Starr of SMR Architects for Housing Resources Group
Address of Proposal: 8124 Rainier Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story, 71 unit, low-income residential structure with 4,547 sq. ft. of retail space at ground level (Housing Resource Group). Parking for 77 vehicles to be provided at and below grade. Pending street vacation of Wolcott Avenue S.

The following approvals are required:

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

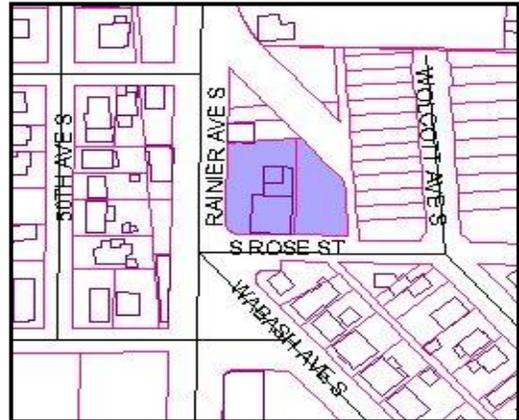
1. Rear setback – To allow less than required rear setback (SMC 23.45.0014B)
2. Driveway width – To allow less than required driveway width (SMC 23.53.025)
3. Open Space– To allow less than required open space (SMC 23.45.016A)
4. Building depth – To allow greater than allowed building depth (23.45.011)

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 AND VICINITY

The proposed project is located at the northeast corner of Rainier Avenue South and South Rose Street in the Seward Park/Rainier Beach neighborhood. The 26,356 square foot site is currently vacant. The site is generally flat. The zoning is Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). The zoning is intermittently NC2-40, Lowrise 3, and Lowrise 3 with Residential/Commercial on both sides of Rainier Avenue for several blocks in each direction north and south. To the east and west the zoning is Single Family 5000.



Rainier Avenue South in this area is characterized by a mix of vacant parcels, older commercial buildings and multifamily structures. Directly to the east of the site, across the alley, is a new permitted single family subdivision with home sites under construction. The site to the north of the subject project is a Buddhist Center.

PROJECT DESCRIPTION

The applicant proposes a 4-story, mixed-use building with approximately 4,500 square feet of commercial space at street level and 71 residential units above. Parking for 72 vehicles will be provided below grade. Access is proposed to be from the alley that abuts the site on the east. The proposal includes the vacation of a portion of Wolcott Avenue South from the alley northwest to Rainier Avenue South. The applicant contemplates future development on the parcel abutting to the north.

STREET VACATION – WOLCOTT AVENUE SOUTH

On May 26, 2009, City Council granted conceptual approval to the owner's petition for a vacation of the portion of Wolcott Avenue South running from the north /south alley at the east edge of the site, northwest to Rainier Avenue South (Council File No. 309627). The vacation approval is conditioned upon the project described herein being built within five years of the date of the approval and completion of the approved public benefit features as approved by the Seattle Department of Transportation. Engineered drawings of the proposed street improvements must be approved by SDOT. In addition, as noted in Numbered paragraph 5 of the Council's preliminary conditional approval of the street vacation, final overall approval of the project, including the pedestrian improvements, is subject to SEPA and conditioning and to various City codes and through regulatory review processes including SEPA.

PUBLIC COMMENT

Six members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Not truly three design options; same building mass oriented differently.
- Question about whether ground level residential units would be for disabled persons.
- Liked the separate courtyard and playground areas.

One member of the public attended the Recommendation meeting held on January 13, 2009 and commented about the lack of parking in the area and existing drainage problems.

There was one written comment in response to the Notice of Application published on October 23, 2008, objecting to additional low-income housing. The comment period ended on November 5, 2008.

ANALYSIS - DESIGN REVIEW

Design Presentation

Three alternative design schemes were presented. All of the options include ground level commercial retail on Rainier Avenue South with three levels of residential units above, parking located below grade accessed from the alley. Access to the trash collection area would be from the alley as well.

Scheme 1 shows a U-shaped building with a large interior courtyard facing north. Commercial space is located on Rainier Avenue South and the residential entry is on Rose Street on the south of the building. A small surface parking lot accessed from Rainier Avenue South is located at the north end of the west leg of the “U”.

Scheme 2 is a similar U-shape but oriented to the south. The commercial space on Rainier Avenue South is larger with no surface parking and the residential entry is located on the east leg of the “U” which is set back from Rose Street.

Scheme 3 (the preferred concept) is an H-shaped building with a large south-facing courtyard and a smaller playground on the north. The connecting area is the residential entry which is accessed through the south courtyard. The commercial space along Rainier Avenue South has three separate entries and there are several small plaza areas proposed around the site. Because the site is irregularly shaped, the building is set back from the alley entrance allowing for a landscaped respite area.

Materials and color palette have yet to be chosen. The overall building form shows the façade up to properties line at street level and several small plazas at ground level. Green factor requirement would be met by extensive landscaping at ground level. To view the design proposal, visit the DPD Design Review website at www.seattle.gov/designreview. Click on “Project Reviews”, then “Archives” and enter the project number.

At the Recommendation meeting, the architect presented the refined design based on Option 3, an H-shaped building with a large south-facing courtyard and a smaller playground on the north. The residential entry courtyard is accessed by a gate which is set back from the sidewalk. The courtyard features a seating area and 2 raised P-patch gardens. The retail space along Rainier Avenue South wraps around the corner onto Rose Avenue. The corner space entry is chamfered and features outdoor bench seating. Building materials include a brick base with Hardie plank, Hardie panel and metal siding for the upper three stories. Overhead weather protection extends the full length of Rainier Avenue South. Aluminum sunshades are over the living room windows of the residential units on the east and west facades.

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 and identified by letter and number those siting and design guidelines found in City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the priorities addressed below.

A Site Planning

A-1 Responding to Site Characteristics

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

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

A-5 Respect for Adjacent Sites

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

A-6 Transition Between Residence and Street

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

A-7 Residential Open Space

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

A-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 towards the public street fronts. Parking and automobile access should be located away from corners.

- The Board agreed that the corner of Rainier Avenue South and South Rose Street presents a higher threshold of attention especially visible to northbound traffic on Rainier Avenue South and because of the street alignment. The Board feels that there is an opportunity for the building to present a corner gesture that relates to both street fronts.
- The Board would like the applicant to consider continuing the commercial space further around the corner onto South Rose Street. The transition from commercial to residential space will be an important aspect of the design.

- The Board liked the large south-facing courtyard but would like to see the entry gate further back from the street. They feel this is an opportunity for an inviting entrance statement providing that the fence and gate are as transparent as possible.
- The Board appreciated the many proposed plaza areas and look forward to a more refined design for the uses of these areas.
- Though there are residential units proposed at the street on South Rose Street, there are no entrances to these units from the street. The applicant is proposing higher windows for the units at the street level and are requesting a departure to locate residential uses at grade level.
- The Board generally liked the idea of the pedestrian/vehicle pass-through on the north of the site and would like the applicant to explore two or three additional schemes for this area. They especially would like the design to address how the proposed parallel parking will relate to the future proposed development on the north parcel.

At the Recommendation Meeting the Board commented that, in most respects, the design has responded to the Board's guidance appropriately. The Board was pleased with corner treatment at Rainier Avenue South and South Rose Street and the retail use wrapping around onto South Rose Street. The Board was disappointed, however, that the entrance courtyard on South Rose Street is not more symmetrical and more inviting. The green wall down the center of the courtyard and around the sitting area is too high and should better serve the residents by using a low sitting wall with landscaping instead. The units that directly access the courtyard and are visible from the street, should have a more refined design with porches instead of protruding entries.

The Board also recommended that the metal siding above the screening along the garage entrance on the north façade be extended to the ground rather than risk the green screening not surviving on a north façade.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones.

- The Board supported the preferred Scheme 3 with its generous south-facing courtyard and separated playground to the north. Though the adjacent zone to the east is Single Family, the Board feels that the alley dedication and generous landscaping proposed will provide adequate transition to this zone.

At the Recommendation Meeting the Board was appreciative of the extensive landscaping at the alley entrance but felt that the benches proposed for the area near S Rose St are unnecessary, suggesting that an alternative landscaping treatment would be more appropriate.

C Architectural Elements and Materials

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.

- The Board is looking forward to seeing the refined design and the proposed architectural expression.
- Providing ample overhead weather protection will be an important element of the design of the commercial spaces on Rainier Avenue South.
- The use of exterior finish materials should convey a sense of permanence. The Board is looking forward to seeing the proposed materials and color palette at the next meeting.

At the Recommendation Meeting the Board liked the brick base and recommended that the brick be extended fully around the north end of the building encompassing the retail space. The overhead weather protection should be extended as well.

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.

D-8 Treatment of Alleys

The design of alley entrances should enhance the pedestrians' street front.

D-9 Commercial Signage

Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

D-10 Commercial Lighting

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

D-11 Commercial Transparency

Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

D-12 Residential Entries and Transitions

For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.

- The residential entrance and courtyard presents an opportunity for visually inviting plaza. Additional attention should be given to other amenity spaces as well (at alley entrance).
- The Board especially liked the proposed alley treatment with the generous landscaping and plaza area at the entrance off South Rose Street.
- The transition from the commercial spaces on Rainier Avenue South to the residential uses adjacent should be given careful attention to design.
- The Board looks forward to conceptual proposals for commercial signage and exterior lighting.

See comments above regarding courtyard and courtyard unit entries.

E Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

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

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

- The Board is looking forward to a more refined landscape plan and is especially interested in the landscape transition and use of rain gardens on the north edge of the site.
- The Board suggested that the proposed rain gardens at the north edge of the site presents an opportunity for an interesting architectural expression.

At the Recommendation meeting the applicant explained that the previously proposed rain gardens were not possible because of the lack of infiltration capacity of the underlying soils. As an alternative the applicants are proposing street improvements on South Rose St extending the bus stop island which would decrease the southbound crossing at South Rose St and Rainier Ave S from 95 feet to 26 feet contributing to pedestrian safety.

The Board unanimously approved the project subject to the following conditions:

1. The Board feels strongly that the entrance courtyard from South Rose Street should be redesigned with consideration given to symmetry and an inviting ambience. Therefore, the applicant should work with DPD staff to explore alternatives to the courtyard landscaping and courtyard unit entries.

2. The Board recommended that the brick base of the façade and the overhead weather protection should be extended around the north end of the building to encompass the retail space.
3. The Board recommended that the metal siding on the north façade at the garage entry be extended to the ground eliminating the green wall screening.

DPD makes the following recommendation:

4. Increase the depth of the overhead weather protection from five (5) feet to six (6) feet.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Street level development standards (SMC23.47A.008D2) Either the first floor of the structure at or above grade shall be at least four (4) feet above the sidewalk grade or the street-level façade shall be set back at least ten (10) feet from the sidewalk.	Request to allow residential use to be 5 feet from sidewalk at grade.	There are no entries on this façade and windows are proposed to be higher than usual to contribute to security and privacy.	As there are no residential entrances on this portion of the façade the Board voted <i>unanimously</i> to grant this departure. A-2; A-6; D-7
Rear Setback (SMC23.47A.014) A setback is required long any rear lot line that is across and alley from a lot in a residential zone: 15 ft for portions above 13 ft to a max of 40 ft.	A portion of the building facing the alley extends 1 ft. 11 in into the setback.	The setback on Rose Street was increased at the request of the Board which created the intrusion into a small portion of the setback on this irregularly shaped lot.	Because there is extensive landscaping on this alley side and the front setback creates a better design the Board voted <i>unanimously</i> to grant this departure. A-1; A-5; D-8

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 January 13, 2009 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. The Board feels strongly that the entrance courtyard from South Rose Street should be redesigned with consideration given to symmetry and an inviting ambience. Therefore, the applicant should work with DPD staff to explore alternatives to the courtyard landscaping and courtyard unit entries.

2. The Board recommended that the brick base of the façade and the overhead weather protection should be extended around the north end of the building to encompass the retail space.
3. The Board recommended that the metal siding on the north façade at the garage entry be extended to the ground eliminating the green wall screening.

DPD staff made the following additional recommendation:

4. Increase the depth of the overhead weather protection from five (5) feet to six (6) feet. 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 Southeast 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 and DPD staff. 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 and additional recommendation made by DPD staff, 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

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 proposed project contains 71 residential units, greater than the SEPA exemption threshold of four (4) when located outside of an Urban Center in an NC2-40 zone.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 28, 2008 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 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 ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. 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.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

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.

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.

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.

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.

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.

- 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

None.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. 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.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD 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.
3. 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.
4. 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.

