



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

Application Number: 3008739
Applicant Name: Sam Cameron for Linh Tran
Address of Proposal: 5022 Martin Luther King Jr. Way S.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story building containing 4,700 square feet of retail at ground level with three residential units above. Surface parking for 13 vehicles to be provided. Existing structure to be demolished. Project includes 800 cubic yards of grading.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 SMC.

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS
[X] DNS with conditions
[] DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

*Early DNS Notice published November 8, 2008.

BACKGROUND DATA

Project Description

The project consists of the demolition of the existing retail building and construction of a new mixed use structure. The proposal includes four potential retail spaces at ground level with three residential units above for a total of two stories. The proposed retail spaces will total approximately 4,700 square feet and the residential units will comprise 4,110 square feet. Parking for approximately 13 vehicles is proposed both underneath and outside of the structure.

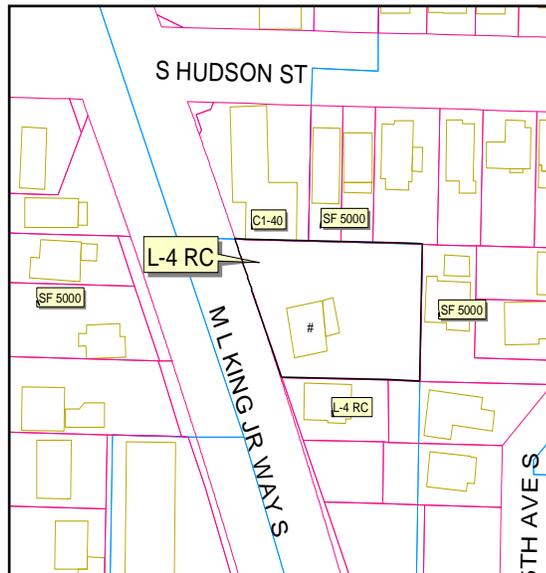
The building plan forms an “L” shape set at angle from Martin Luther King Jr. Way South. At grade facing Martin Luther King Jr. Way, the proposed structure would contain potentially four commercial spaces looking into an area of three parking spaces. Directly above the commercial spaces, three residential units with two to three bedrooms each would have a series of surrounding balconies and decks overlooking MLK Jr. Way and the adjacent properties to the north and east.

The architect proposes vehicular access along the south property line with the driveway descending toward the east. Beneath the commercial spaces, the structure would house storage and five space parking spaces. Along the east property line, the proposal illustrates open space, additional parking spaces and a semi-enclosed area for trash and recycling.

At the Initial Recommendation meeting, the architect proposed brick (with brick banding) at the commercial level and on the west end of the residential floor, a metal clad elevator tower and horizontal siding to denote the residential portion. The design presented at the Initial Recommendation meeting did not entirely match the drawings provided in the packet for the Board. The proposed commercial area was expanded to the north with a residential deck above it. This triggered a departure request to decrease the required side setback. Other changes included alterations to the color and materials.

At the Final Recommendation meeting, the architect illustrated several changes to the design based on the guidance from the May 26th 2009 meeting. These included a reconfiguration of all open space, a readjustment of the north side setback, a reorientation of the parking in front of the structure, and additional landscape screening at the site’s perimeters.

Site and Vicinity



The irregular site comprises approximately 16,807 square feet with 119.5 linear feet along MLK Jr. Way S. From the arterial, the north and south property lines extend to the east and west by 174 and 130 feet respectively. The site’s topography remains mostly level at the street, slopes about six feet in the first 50’ from the west property line, and then drops dramatically toward the east. The land descends about 20’ from the southwest corner of the property to the northeast.

The site lies within a Lowrise Four Residential Commercial Zone (L4 RC). This zoning classification allows residential densities of one unit per 600 square feet of property with a maximum 4,000 sq. ft. size limit on each business establishment.

Approximately one-third of the north property line lies adjacent to a C1-40 zone, Commercial One with a 40 foot height limit. The remaining zoning adjacent to the north property line as well as the east property line has a SF 5000 (Single Family) designation. The parcel to the south is also zoned

L-4 RC. The parcels directly across Martin Luther King Jr. Way S have a SF 5000 classification. The site falls within the “Columbia City Residential Urban Village” and the South Seattle Reinvestment Area.

The Seattle Department of Transportation (SDOT) classifies Martin Luther King Jr. Way S as a principal arterial. Located in the Light Rail Construction Impact Zone along the light rail system route, the site lies near the Alaskan Street Station for the South Transit Light Rail approximately three blocks to the north. As part of roadway revisions to Martin Luther King Way, Sound Transit recently located and installed one curb cut for access to the subject site.

The majority of development in the vicinity consists of single family structures. An automotive repair shop occupies the parcel north of the site and retail uses continue further north. A motel lies south and west of the site. Multifamily structures currently occupy properties south along MLK Jr. Way S with an additional multifamily project under development on a previously vacant lot. Recent development in the area consists mainly of additions and alterations to existing single family homes.

Before the Initial Recommendation meeting, DPD discovered that the survey used by the architect was out of date due to the right of way changes from the installation of the light rail system. The location of the sidewalk in relationship to the property line along MLK Jr. Way S. sits much closer than depicted in the drawings. This has been corrected since the discovery of the error.

Metro transit (bus route #42) serves the immediate area with a transit stop just north of the site on S Hudson St and MLK Jr. Way S.

Public Comments

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

- Requests that parking be located in the front of the retail building so that it may be visible to drivers passing by.
- Crime is a concern if the parking is located in the back because it would be less visible from the street and because the topography of the back side of the lot would further hide any crime activity.
- Encouraged sufficient screening where the development is adjacent to residential lots.
- Apprehensive of the early morning noise generated by delivery trucks.
- Encouraged owners to seek quality tenants to occupy the retail buildings. Also encouraged owners to bring in quality tenants that would add to the surrounding community a variety of services as well as bring in an attractive aesthetic quality to the area.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on May 27, 2008. 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 identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

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-2 Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-3 Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.
- A-4 Human Activity.** New development should be sited and designed to encourage human activity 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-9 Location of Parking on Commercial Street Fronts.** Parking on a commercial street front should be minimized and where possible should be located behind a building.

The Board members noted that there were too many parking spaces located in the front of the building towards the street front. The Board prefers the parking to be located in the back of the retail building towards residential units. Parking should not drive the design of the development, but the street front should enhance and encourage safe and interesting pedestrian activity. It was suggested that the front parking area be designed as a plaza area incorporating outdoor seating, landscaping, water features, etc.. The Board also urged a clear explanation of how to avoid any conflicts of cars that will be backing out of parking spaces located in the front.

B. Height, Bulk, and Scale

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

The Board requested that the massing of the development be shifted toward the streetscape. The Board encouraged moving the residential unit towards the streetscape as well in order to transfer the bulk of the structure away from the adjacent residences.

C. Architectural Elements

- C-1 Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.
- C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural context.

Board members emphasized the importance of designing the east side of the development. The back side of the project should not be forgotten in terms of design elements

- 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 urged the architect to specify high quality materials throughout the development and requested transparency for the retail/commercial uses along the street front.

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-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-4 Design of Parking Lots Near Sidewalks. Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

The Board desires a maximum of three to four parking spaces between the sidewalk and the proposed structure. The design should incorporate an attractive parking court with high quality pavers, benches, and landscaping. The Board encourages reduced widths for the curb cut and driveway. In order to provide exposure for the retail businesses along Martin Luther King Jr. Way and ensure ease of vehicular maneuverability, modifications to the requirements for screening of parking will be considered although attractive landscaping in front should enhance the project's overall appearance.

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board specified that all garbage, utility and service areas should be screened.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Board members commented that having a residential unit on the second floor of the building will bring in safe elements to the retail area.

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 during 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 the building. Blank walls should be avoided.

The Board asked for transparency on the west side facing the street to emphasize pedestrian activity and build connection between pedestrians on the sidewalk and activities occurring in the building. The Board strongly encouraged the developer to utilize whatever is not used as commercial development to maximize open space.

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 visual interesting street front for pedestrians.

Overall, the Board believes pedestrian safety, screening and visibility should be significant factors for creating a parking scheme.

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 plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

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.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on October 10, 2008.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on January 26, 2010 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration. An Initial Recommendation Meeting was held on May 26, 2009. The comments for this meeting are included below in italics.

Public Comments

Six individuals signed-in at the Final Recommendation meeting. Comments directed to the Board concentrated on privacy and drainage issues between the subject project and the neighboring houses to the north and east. Installation of a proposed deck on the north side of the structure would compromise the privacy of the neighbors. The height and proximity of the deck would allow tenants to peer easily into the adjacent houses and yards. The same speaker requested the use of Pacific Wax Myrtle, a fuller and taller tree than the Emerald Green Arborvitae, as a screen or buffer between the properties. A neighbor asked for a solid fence separating the properties.

According to a neighbor, the adjacent houses sit lower than the applicant's property resulting in drainage run-off from one property to another. The speaker requested the construction of a well designed retaining wall to ensure that water remains on site. The wall shown on the plans should be extended westward.

A participant recommended the use of metal awnings rather than fabric ones in order to lower maintenance costs. (January 26, 2010)

Four individuals signed-in at the Initial Recommendation meeting. Comments focused on the following concerns: the lack of privacy due to the northeast deck's proximity to the neighbors; the close proximity of parking next to neighboring single family residences; the location of the trash collection area next to the neighbors' house when it could be fully contained inside the garage; and the need for more substantial fencing or wall between the neighbors and the proposed project.

One neighbor provided the Design Review Board with a list of questions and comments. She asked for the following revisions to the proposal: constraints on the amount of spillover lighting onto the adjacent single family residences; greater amounts of green space; increased amounts of safety features to ensure security around the perimeter of the project site; and a maintenance management plan to ensure removal of litter, weeds, broken glass and graffiti. The individual also asked for a plan for garbage truck movement and pickup on garbage day. Large commercial garbage canisters on sidewalks impede pedestrian movement and create blight and dirty streets. Lots of children live in the area. Overall safety and cleanliness are important to the community. (May 26th 2009)

DPD did not receive any letters pertaining to the project.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Screening of parking. Parking shall be screened from view from the street by a fence or a wall between 5 and 6 feet high, with 3' of landscaping on the street side of the wall.
2. Maximum structure depth. The maximum depth shall be 65% of the distance between the midpoint of the front lot line and the midpoint of the rear lot line. Site total equals 98' 8".
3. Side setback. Average setback is 14'. Minimum setback is 7'.

Recommendations

A. Site Planning

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

The redesign of the landscaping in front of the building met with the Board's satisfaction. The Board recommended approval of the departure requesting the elimination of a wall or fence screening the parking. See departure matrix below. (January 26, 2010)

The Board recommended that project comply with the city of Seattle's Land Use Code's requirements for quantity of screening and landscaping at the front of the building. Board members agreed that a wall or fence screening the parking was not needed; however, plants and shrubs should be of a sufficient height to screen the parking. (May 26, 2009)

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The architect redesigned the entrance to include a vestibule for the elevator. The Board approved the changes. (January 26, 2010)

The Board recommended adding a small residential entry vestibule at street level to contain the elevator and possibly a second stairs to the upper level. (May 26, 2009)

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.

The revision of the structure's relationship to the side setback, ensuring a code compliant setback adjacent to the single family zone, met with the Board's approval. In turn, the Board recommended approval of the side setback departure along the portion of the same property line contiguous with the C1-40 zone.

The reconfiguration of the open space plan at the rear of the site would appear to improve its function and provide better screening between the adjacent neighbors and the parking. The Board recommended that the retaining wall and fence be extended farther to the west to increase the separation between properties. The applicant should explore adding more vegetation behind the retaining wall near the trash enclosure. (January 26, 2010)

Considerable discussion focused on the proposed extension of the commercial space and the residential deck into the side setback along the northern property line. Due to the adjacency of the single family zone north of the site's property line, the Board will not recommend a setback departure in any of the area that abuts the Single Family 5000 zone. The Board, however, will consider a departure for the western portion of the side setback site adjacent to the C-40 zone as privacy and need for an adequate landscape buffer are not as necessary. The applicant will need to explain how the requested departure better meets the design review guidelines. Obtaining greater commercial square footage for the applicant could occur by other strategies: shifting the building closer to MLK Jr. Way S. and/or reducing the amount of parking.

The location of the most useable open space should occur in the northeast area of the site adjacent to the back yards of the neighboring single family homes. This entails removing the extra parking spaces (numbered 10, 11, 12 and possibly spaces 8 and 9) and reconfiguring the rectilinear island of open space along the east property line in order to consolidate the open space and make it contiguous with the proposed structure. Rather than have children cross the driveway and parking

spaces to play in the open space, they would be able to exit the building and enter directly onto the play area. It creates continuity of landscaping among the neighbors and augments the sense of privacy.

The proposed placement of the garbage/recycle collection area near the neighboring residences remains problematic. Locating the collection area in the basement area near the parking is preferable. However, if the applicant prefers the southwest corner location, the Board recommends a landscaped area immediately surrounding three sides with trees capable of shielding the wall or fence enclosing the dumpsters. See D-6. (May 26, 2009)

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.

The Board expressed its satisfaction with the addition of an entry vestibule for the elevator. The reconfigured parking area also met the Board's approval. (January 26, 2010)

An entry vestibule for the elevator and secondary stairs will provide better access for the tenants and help create a nicer transition between residences and the street. A reconfigured parking lot (see guidance D-4) and full landscaping between the parking lot and the Martin Luther King Jr. Way right of way will help meet the guideline. (May 26, 2009)

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

The Board noted its satisfaction with the overall redesign of the open space. (January 26, 2010)

Much of the landscaping presented to the Board appeared isolated and disconnected from the apartment tenants. The Board recommended consolidating much of the open space. Landscape areas to the rear of the property should be contiguous to the proposed structure as well as to some of the adjoining residential properties. These could be reconfigured nicely in the northeastern portion of the site. Children and adults will more likely use the outdoor area if it is safe, removed from the driveway and parking spaces, and well designed.

Landscaping as a buffer or screen should occur along the south property line (see guidance A-8) particularly between the bulk of the southern portion of the proposed structure and the neighboring house.

The Board will not approve a departure request reducing the quantity of open space or landscaping. (May 26, 2009)

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.

The revised landscape plan had additional vegetation along both sides of the driveway providing for a decrease in its width. The Board approved the changes. (January 26, 2010)

The Board requested a reduction in the driveway width extending from the curb cut to the rear of the site. The Board members will entertain a departure from driveway width if needed. It appears excessive for the amount of vehicles using it. Landscaping should be added along the south property line in order to create a buffer between the driveway and the adjacent home. (May 26, 2009)

B. Height, Bulk and Scale Compatibility

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

The Board did not think that height, bulk and scale concerns applied to the current design. (May 26, 2009)

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The architect responded to the earlier guidance by increasing the size of the second floor window closest to the street and substituting transparent glazing for glass block. (January 26, 2010)

In order to promote safety by having “eyes on the street”, the Board recommends replacing the columnar shaped, glass block window on the west façade’s second floor with more conventional (and transparent) residential windows. (May 26, 2009)

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. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board members encouraged the architect to eliminate the cornice at the elevator tower to allow the tower to read as a singular architectural element on the facade. Adding a more delicate canopy over the door to the elevator vestibule would provide needed weather protection.

The architect added windows to the east elevation at the commercial level. (January 26, 2010)

The east elevation has a large expanse of blank wall between the garage and the residential floor. This portion of the wall should have windows. The Board understands the need for tenant use of interior commercial wall space; however, the Board members recommended placing the windows close to the ceiling in order to maintain wall area for back office use. (May 26, 2009)

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.

Changes to the south elevation in response to the Board's guidance met with approval. On the north elevation, the brick should not step down as it approaches the west facade. The brick, in fact, should wrap around onto the west wall creating three bands of brick separated by the two black courses and the soldier course at top.

The Board recommended applying a more consistent pattern of fenestration to the facades. The residential windows on the west façade should extend higher with window lites or panes similar to those on the south elevation. The windows should align with the transoms above the residential doors. Windows on the east façade should also possess the same consistency. The middle bay of ribbon windows above the garage should extend to the pilaster.

The awing over the windows on the west elevation does not appear to have a function. The Board encouraged the architect to eliminate the awning as it does not have an entrance or a walkway beneath it. (January 26, 2010)

The portion of the south elevation closest to MLK Jr. Way S. has considerable visibility from the street and sidewalk. The Board recommends extending the brick to cover the second floor so that it wraps around the corner from portion on the west elevation already faced with brick. The brick would terminate at the metal clad elevator shaft. (May 26, 2009)

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 did not recommend any changes to the revised plans for landscaping in front of the proposed building. (January 26, 2010)

The Board recommended expanding the small plaza to the north of the parking area and using plantings rather than a hard surface. See guidance A-2, A-6 and D-4. Reconfiguration of the parking spaces should assist in creating more area for landscaping. (May 26, 2009)

D-4 Design of Parking Lots Near Sidewalks. Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

Accepting the revisions to the parking lot, the Board provided no further guidance. (January 26, 2010)

The Board recommends shifting the three parking spaces 90 degrees. Backing by vehicles would occur in the primary driveway creating additional open space and landscaping opportunities. The walkway and plaza (shown with benches and red pavers in the landscape plans) should be expanded with more planting area. (May 26, 2009)

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

As stated above, the Board encouraged the applicant to increase the amount of vegetation surrounding the dumpster area. The Board expressed its satisfaction with the recycling/dumpster location. (January 26, 2010)

See the Board discussion and guidance A-5. By the next Recommendation meeting, the architect will need to present a credible plan based on the advice of a hauling company on how garbage and recycling trucks will maneuver ingress and egress on the site. (May 26, 2009)

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board recommended adding lighting at the tenant entries off the deck on the west elevation. Overall, the placement of the lighting fixtures on the elevations should not appear haphazard but as a well thought out composition. (January 26, 2010)

See guidelines C-1 and D-10. (May 26, 2009)

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

Discrete blade signs met with the Board's approval. However, the Board members opposed the future placement of larger signs than those shown on the west elevation, preferring a monument sign in the area between the plaza and the sidewalk. (January 26, 2010)

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.

Ensuring the elimination of spillover lighting onto the neighbors, the Board recommended that the architect provide cut sheets with the MUP and the construction plans illustrating lighting fixtures that prevent the transmission of light over the property lines. The Board also conditioned the project to have security lighting along the north elevation adjacent to the commercial zone. The Land Use Planner will review and approve the choices of lighting fixtures. (January 26, 2010)

A lighting concept plan will be required for the next Recommendation meeting. It should promote a sense of security along the sidewalk and path to the entrances. It also needs to address the landscaped areas along the site's edges, yet limit spillover lighting onto the neighbors' properties. (May 26, 2009)

D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should be 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.

See response to Guidance A-3. (January 26, 2010)

The Board recommends a residential entry vestibule facing the parking area. This will enclose the elevator (or possibly a resident tenant staircase) and provide a nicer transition between the apartments and the street. (May 26, 2009)

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.

No further guidance was provided. (January 26, 2010)

See guidance A-5, A-7 and A-8. Consolidating open space areas at the rear of the site, adding landscaping along the south property line and surrounding the garbage/recycling enclosure with trees will emphasize continuity with adjacent properties. (May 26, 2009)

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

The applicant will need to add a bicycle rack near the front of the building for commercial customers and tenant visitors. See Guidance A-6 and A-7. (January 26, 2010)

Limited amounts of landscaping were shown at the rear of the site. More generous amounts of plantings and play area should be added to the reconfigured open space at the rear of the site. Plantings should be added at the small plaza north of the parking spaces, to the south property line

and surrounding the garbage/recycling area, and along the portion of the south elevation closest to the driveway. (May 26, 2009)

Board Recommendations: The recommendations summarized below were based on the plans and models submitted at the January 26th, 2010 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the January 26th, 2010 public meeting. 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 APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOM-MENDATION
1. Screening of parking. SMC 23.45.018D	Parking shall be screened from view from the street by a fence or wall between 5 and 6 feet high, with 3' of landscaping on the street side of the wall.	To allow screening by plantings only. No wall or fence.	<ul style="list-style-type: none"> ▪ Providing a well landscaped plaza and parking area is more in keeping with E-2, Landscaping to Enhance the Building or Site by providing a more inviting frontage to the property. 	Approval.
2. Maximum structure depth. SMC 23.86.016B2	The maximum depth shall be 65% of the distance between the midpoint of the front lot line and the midpoint of the rear lot line. Project total equals 98' 8".	To allow an overall depth of 107' 8". Exceeds required structure depth by 9'.	<ul style="list-style-type: none"> ▪ The structure responds to the non-rectangular site (A-1). On average, the structure would meet the structure depth requirement since the south portion of the "L" is less than the Code requirement. 	Approval.
3. Side setback. SMC 23.45.014C	Average setback is 14'. Minimum setback is 7'.	From 5'3" to 7'3". North side setback is code compliant adjacent to SF 5000 zone. Reduced setback adjacent to the C1-40 zone.	<ul style="list-style-type: none"> ▪ Potentially reduces security problems adjacent to the commercial structure. Guideline D-7. 	Approval.

The Board recommends the following **CONDITIONS** for the project. (Authority referred in the letter and number in parenthesis):

1. Extend the retaining wall and fence farther to the west to increase the separation between the site and the residential properties to the north. (A-5)
2. Add brick to the north elevation where it approaches the northwest corner. The brick should wrap around onto the west façade creating a continuous base. (C-4)
3. Increase the height of the residential windows on the west elevation to align with the upper portion of the transoms above the residential doors. Use segmented lites or panes similar to those on the south elevation. (C-4)
4. Create a greater consistency among the fenestration on the east elevation. (C-4)

5. Add lighting at the tenant entries off the deck on the west elevation. (D-7)
6. Ensure the elimination of spillover lighting onto the neighbors by choosing appropriate lighting fixtures with shields. The Land Use Planner will review and approve the choices of lighting fixtures. (D-10)
7. Provide security lighting along the north elevation adjacent to the commercial zone. The Land Use Planner will review and approve the choices of lighting fixtures. (D-10)
8. Provide a bicycle rack near the front of the building for commercial customers and tenant visitors. (E-2)
9. Specify trees that provide greater height and privacy between the proposed structure and the single family neighbors to the north than the Emerald Green Arborvitae. (A-5)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. Raised by neighbors at the Final Recommendation meeting, the issue of privacy relates to the specific design review guideline concerning "Respect for Adjacent Sites". For this project, the type of plantings along the north property line does not appear to provide adequate buffer between the single family residences and the apartments which will sit considerably higher in elevation. Guideline A-5, Respect for Adjacent Sites, states that "one consideration is the views from upper stories of new buildings into adjacent houses or yards, especially in less intensive zones". The 15 foot height of a mature Emerald Green Arborvitae as shown on the landscape plans would not likely ensure privacy between neighbors. DPD conditions the project to ensure the planting of trees along the north property line adjacent to the single family residences that will attain a height to provide greater privacy. The DPD land use planner will review and approve the change. The Director agrees with the conditions recommended by the three Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated October 8, 2008) and annotated by the land use planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain

neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

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

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential 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.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise

Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected temporarily to add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure will be necessary. The maximum depth of the excavation is approximately 14 feet below Martin Luther King Jr. Way S. and will consist of an estimated 800 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately 14 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 80 round trips with 10-yard hauling trucks or 40 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Martin Luther King Jr. S. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. 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. However, due to the size and location of this proposal, greenhouse gas emissions, traffic and parking impacts warrant further analysis.

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.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that units in residential low/mid-rise apartment structures units generate 0.39 vehicle trips in the P.M. peak period per unit. The three apartment units would generate approximately one vehicle trip per P.M. peak period. A specialty retail center may conservatively generate approximately 2.59 vehicle trips per 1,000 square feet of floor area. The proposed 4,700 square feet of retail would produce approximate 12 vehicle trips in the weekday p.m. peak hour. Total new trips in the peak hour for the proposed structure would approximate 13 trips, which likely over represents the true impact. The new trips added to the p.m. peak hour traffic will not seriously affect operations of the nearby intersections, so no SEPA mitigation of traffic impacts to this intersection is warranted.

Parking

The project would include 13 parking spaces in front of, below and behind the proposed structure. These spaces would be reserved for residents and commercial tenants.

Residential parking demand was estimated based on the number of apartment units and the average peak parking demand rate published in Parking Generation (ITE, 3rd Edition, 2004) for an urban "low/mid-rise apartment". Multiplying the size of the project (3 units) by the average peak parking demand rate for an urban low /mid-rise apartment building (1.00 vehicles per dwelling unit), the peak parking demand is estimated at three vehicles for the residential units.

A conservative multiplier of 2.65 vehicles per 1,000 sq. ft. of commercial space is used for the proposed 4,700 square feet of retail. The retail component would generate a demand for approximately 12 parking spaces during the p.m. peak period. The total demand for 15 parking spaces would exceed the amount provided by the proposal by three spaces. However, it is unlikely that this cumulative peak demand would ever be achieved, as the residential peak parking demand likely would occur in the evenings and overnight, while the commercial parking demand would peak during the day. The site's close proximity to the light rail station at Alaska St. would significantly reduce residents' dependence on automobiles. Based on this analysis, no SEPA mitigation of parking impacts is warranted.

Summary

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

DECISION - SEPA

This decision was made after review by the responsible official on behalf of 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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(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 (2) (C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Extend the retaining wall and fence farther to the west to increase the separation between the site and the residential properties to the north.
2. Add brick to the north elevation where it approaches the northwest corner. The brick should wrap around onto the west façade creating a continuous base.

3. Increase the height of the residential windows on the west elevation to align with the upper portion of the transoms above the residential doors. Use segmented lites or panes similar to those on the south elevation.
4. Create a greater consistency among the windows on the east elevation.
5. Add light fixtures at the tenant entries off the deck on the west elevation.
6. Ensure elimination of spillover lighting onto the neighbors by choosing appropriate light fixtures with shields. The Land Use Planner will review and approve the choices of lighting fixtures.
7. Provide security lighting along the north elevation adjacent to the commercial zone. The Land Use Planner will review and approve the choices of lighting fixtures.
8. Provide a bicycle rack near the front of the building for commercial customers and tenant visitors.
9. Specify trees that provide greater height and privacy between the proposed structure and the single family neighbors to the north than the Emerald Green Arborvitae.

During Construction

10. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of all Construction Permits

11. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of a Certificate of Occupancy

12. 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 (Bruce P. Rips, 615-1392) or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (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.

For the Life of the Project

13. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval. 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.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

14. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

15. A construction traffic management plan shall be reviewed by DPD and SDOT. The plan shall maintain pedestrian access along the east side of Martin Luther King Jr. Way South, and prohibit large trucks to or from the site after 3:30 pm.

During Construction

16. 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. 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 weatherproofing material and shall remain in place for the duration of construction.
17. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.
 - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
18. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.
19. Construction workers shall park on-site as soon as possible, following approval from the DPD Building Inspector.

Signature: _____ (signature on file) Date: May 27, 2010
Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development