



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Project Number: 3012667
Applicant Name: Brian J. Palidar with grouparchitect for
Marc E. Rudd, Rudd Development Company.
Address of Proposal: 1823 18th Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a five story residential structure containing 31 units above a partial subterranean ground level with parking for 14 vehicles. Review includes demolition of existing structures (5,200 sq. ft.)

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Chapter [23.41](#).

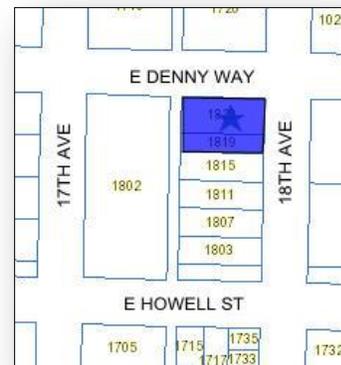
SEPA - Environmental Determination – SMC Chapter [25.05](#).

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

BACKGROUND DATA

Project Description

The proposed project is for the design and construction of a five story residential apartment building with 31 residential units located above a subterranean garage. All of the parking (14 stalls) for the development to be provided in the below grade garage that is accessed from the alley.



SITE & VICINITY

Site Zone: LR3

Nearby Zones: (North) LR3
(South) LR3
(East) LR3
(West) LR3

Lot Area: 9,614 SF

Current Development: There are two existing single family residences fronting 18th Avenue. There is also one detached garage and surface parking on the site accessed from the alley.

Access: Vehicular access is from the West off the alley.

Surrounding Development: A 3-story early century apartment building to the North; Fortune View Condominiums to the East; A single family residence to the South; and Fred Lind Manor Retirement Home to the West. Diagonally across the intersection of E Denny Way and 18th Avenue (to the Northeast) is a large single family residence which has been divided into multiple units.

ECAs: N/A

Neighborhood Character: The site is located on the Western edge of the Madison-Miller Residential Urban Village, and immediately adjacent to the Capitol Hill Urban Center Village Eastern boundary. The neighborhood predominantly consists of residential structures located due East of the 15th Avenue and the Group Health Campus. E. Madison Street, to the South, is a major bisecting arterial and is a growing dense area with commercial amenities. A variety of residential structures, in both scale and age, are present. Some single-family residences are present, usually in early century structures. Most of the larger early century single family residences have been adapted into multi-family buildings ranging in units from 2 to 8. Three to four story apartment buildings are present. The apartment buildings are extremely varied in scale, age and material use. Scale ranges from half city block to single lot development, age ranges are from early century to 1990's, and material use ranges from traditional brick to stucco. Some institutional use buildings are present throughout the neighborhood and tend to be early century structures.

Public Comments

Public comments were invited at the two Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

Master Use Permit Application

The applicant applied for a Master Use Permit with a design review component on April 18, 2012. The public notice period for the Master Use Permit application ran from May 10, 2012 to May 23, 2012. The public comment period ended on July 5, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS — DESIGN REVIEW

Design Development:

Four alternative design schemes were presented — at the *Early Design Guidance Meeting on February 8, 2012*

The first scheme (Option A) showed a ‘code compliant’ option which proposed parking level access from the alley. The parking ramp was contained within the structure along the Southern property line. The massing of the building was divided into thirds creating a courtyard oriented toward the South. The covered parking ramp had a significant impact on the footprint of the courtyard. The massing along 18th Avenue only contained one unit, limiting overall project view potential. No residential uses were proposed at the parking level which created a weak connection between the building and the pedestrian streetscape.

The second scheme (Option B) showed a corner entry at the intersection of E Denny Way and 18th Avenue. Building massing was concentrated toward the West along Denny, the South along 18th, and the Southwest corner of the site. Parking access was proposed from 18th Avenue. The corner faced and engaged the public way and the ground floor courtyard responded to the house to the south.

The third scheme (Option C) showed the building massing concentrated toward the Southern property line. This allowed for the building massing to be modulated significantly along E Denny Way and 18th Avenue. Parking access was proposed from 18th Avenue. This Option featured a courtyard along E Denny Way oriented toward the streetscape.

The fourth scheme (Option D) was the ‘preferred scheme’ and showed building massing concentrated toward the streetscapes along both E Denny Way and 18th Avenue. Parking access was proposed from 18th Avenue. The Option provides a Southwest courtyard visible to public way with entry court along 18th Avenue and a courtyard at the Southwest corner created to allow for substantial replacement of tree removed for proposed development.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

*At the **Final Recommendation Meeting** on April 24, 2013*

The 'preferred scheme' (Option D) was reintroduce — showing the building massing concentrated toward the streetscapes along both E Denny Way and 18th Avenue. The Option provides a courtyard visible to the public from E Denney Way. The southwest corner of the site now provides underground parking access from the alley. Additionally, exterior building materials/colors and developed landscape plan were presented.

Public Comments

*Approximately 25 members of the public attended this **Early Design Guidance** meeting. The following comments, issues and concerns were raised:*

- A member of the public noted the public notice that was mailed to the public did not accurately state the demolition of two existing single family residences or contain the address for the second parcel.
- A member of the public was concerned about length and hours of construction.
- Several members of the public opposed access to the parking level from 18th Avenue. Concerns were raised regarding pedestrian safety and loss of parking along 18th.
- A member of the public was concerned about the overall height calculation and whether the structure should be qualified as a 5 story structure rather than 4 stories.
- A member of the public questioned if the requested departures gave anything back to the community and suggested that an internal courtyard was not enough of a return to the community.
- A member of the public encouraged the architect to do more studies incorporating parking access from the alley.
- A member of the public appreciated the balance of massing shown in option C.
- A member of the public stated that option D was too eclectic in its detailing and massing.
- A member of the public was concerned that the SW courtyard of option D would be compromised if there was future development of the abutting Southern property.
- A member of the public referred to design guideline A-2, streetscape compatibility for color selection and was opposed to the use of bright colors.
- A member of the public referred to design guideline A-6, transition between street and residence and was opposed to the proposed entry overhang departure. The feeling was that the overhang was too urban and did not fit within the neighborhood.
- A member of the public was concerned about site walls being graffiti magnets.
- A couple members of the public were concerned that the project did not provide enough parking.
- Several members of the public stated that the scale of the project was too big and too tall for the neighborhood.
- A member of the public stated that the tallest portion of the building was also on the downhill side of the hill and extremely exposed. In contrast, the condo building across the street has a subterranean level as its first story.
- A member of the public was torn between opposing parking access from 18th and the desire for additional parking within the project.
- A member of the project encouraged the architect to create a more pedestrian friendly streetscape along Denny.
- A member of the public opposed the visibility of the garage door/parking access along 18th.
- A member of the public asked why units couldn't be added to option A along 18th.

- A member of the public opposed the demolition of the single family residences and felt that the character of the residences was irreplaceable.
- A member of the public objected to the project massing.
- A member of the public questioned whether or not the house at 1823 18th was historical.
- A member of the public stated that the project did not match the character of the community.

At the ***Final Recommendation Meeting*** — two members of the public had the following comments, issues and concerns were raised:

1. Not enough brick. Brick present would be nicer with more color / variegation.
2. The materials seem bland. The cedar is a nice addition, but there is not a lot of it.
3. Too much cement board at the top level.
4. Not enough attention to the 18th Avenue façade.
5. A compliment appreciating the changes to the building's design from EDG presentation to the currently proposed building.
6. Unimpressed by the window design. They appear institutional and have no interest.
7. Cement board above the top story windows is excessive and bland.

BOARD CLARIFYING QUESTIONS AND COMMENTS (at Early Design Guidance)

1. Question: Appreciated number of options investigated but has concern with parking access being taken from 18th Avenue. If parking isn't required by code, then why should a curb cut along 18th Avenue be allowed? Clarify the DPD review process of the access from 18th allowance.

Planner: Clarification of process.

2. Question: How does the building height compare to the senior housing and the structure across the street?

Architect: The senior housing is 4 stories high and the structure across the street is 3 stories.

3. Question: How does the building height change without a parking plate?

Architect: The height could be calculated in sections instead of by the whole building. The sections further down the slope would have an overall lower calculated building height limit.

4. Question: What is the height of the walls along the sidewalk at E Denny Way?

Architect: About 3' high. The grade along the Northern property line drops approximately 8'. The walls terrace down along the building and step down with the change in grade.

5. Comment: In option D, the parking ramp provided access from the alley could be placed and exposed within the courtyard area.

6. Question: Concern about residential overhang departure at entry. How close is the overhang to the sidewalk?

Architect: The intent is to provide a reasonable weather protecting overhang. The overhang would extend to the property line.

7. Question: Does option C have any departures?

Architect: One, sight triangle non-conformance.

8. Question: In option D, two units are shown along the North. Does the furthest West unit have adequate light access? Could more units be provided along the North?

Architect: Yes, the intent is to grade the area to appropriately provide light access to the units shown.

DESIGN GUIDELINE PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

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.*

Capitol Hill-specific supplemental guidance:

- *Retain or increase the width of sidewalks.*
- *Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.*
- *Vehicle entrances to buildings should not dominate the streetscape.*
- *For buildings that ... and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.*
- *New development ... should be sensitive to neighboring residential character. While a design with a multi-family character is appropriate along the right-of-ways, compatibility with residential character should be emphasized along the non right-of-ways.*

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.*

Capitol Hill-specific supplemental guidance:

- *Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods to the pedestrian.*

- *Provide for outdoor eating and drinking opportunities on the sidewalk by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.*
- *Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.*

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.*

Capitol Hill-specific supplemental guidance:

- *Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.*
- *Create substantial courtyard-style open space that is visually accessible to the public view.*
- *Set back development where appropriate to preserve a view corridor.*
- *Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.*
- *Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.*
- *Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.*
- *Use porous paving materials to minimize stormwater run-off.*

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.*

Capitol Hill-specific supplemental guidance:

- *Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.*

A-10 **Corner Lots.** *Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

Capitol Hill-specific supplemental guidance:

- *Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.*
- *Provide for a prominent retail corner entry.*

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 anticipated development potential of the adjacent zones.*

Capitol Hill-specific supplemental guidance:

- *Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.*
- *Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.*
- *Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.*

Broadway-specific supplemental guidance:

- *Help maintain and enhance the character of Broadway by designing new buildings to reflect the scale of existing buildings.*
- *Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials. The Broadway Market is an example of a development that blends well with its surroundings and includes a mixture of materials, including masonry.*
- *The pedestrian orientation of Broadway should be strengthened by designing to accommodate the presence or appearance of small store fronts that meet the sidewalk and where possible provide for an ample sidewalk.*

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.*

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 facade walls.*

Capitol Hill-specific supplemental guidance:

- *Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.*
- *Solid canopies or fabric awnings over the sidewalk are preferred.*
- *Avoid using vinyl awnings that also serve as big, illuminated signs.*

- *Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.*

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.*

Capitol Hill-specific supplemental guidance:

- *Provide operable windows, especially on storefronts.*
- *Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.*
- *Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the neighborhood.*

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.*

Capitol Hill-specific supplemental guidance:

- *Provide entryways that link the building to the surrounding landscape.*
- *Create open spaces at street level that link to the open space of the sidewalk.*
- *Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.*
- *Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.*

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-3 **Retaining Walls.** *Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.*

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.*

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

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

Capitol Hill-specific supplemental guidance:

- *Consider: pedestrian-scale lighting, but prevent light spillover onto adjacent properties; architectural lighting to complement the architecture of the structure; transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach’*
- *Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.*

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. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.*

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 a visually interesting street front 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.*

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.*

Capitol Hill-specific supplemental guidance:

- *Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character along a corridor.*
- *Supplement and complement existing mature street trees where feasible.*

- *Incorporate street trees in both commercial and residential environments in addition to trees onsite.*

BOARD DELIBERATIONS/COMMENTS

At the Early Design Guidance meeting

1. Discussed the parking access from 18th Avenue and questioned the practical use of the placing the garage entry in this location. They felt access from the alley was viable and access from 18th Avenue was not desirable. The alley existing condition promotes a parking use. Even if the neighborhood has existing curb cut conditions, the board not does consider condoning the continuation of a negative context and pattern of development. The zoning allows parking as a use, so the board does not have the purview to dictate whether parking can be part of the development plan or not. However, the board does have purview over how the parking amenity negatively impacts the overall project design.
2. Discussed massing, context, and perceived height. The zoning allows for the massing envelope shown, but the mass should be manipulated in response to the neighborhood scale. They encouraged the architect to make strong scale reductions to the massing, perhaps in building massing step-backs. They encouraged the architect to make a strong material response to the character of the neighborhood.
3. Discussion of concerns with Option D. Increases massing perception by pushing massing toward street. Courtyard could be potentially compromised if there was development on the lot to the South. The primary building circulation facing South is not desirable for the abutting property's privacy and view. Concern about potential blank wall condition along 18th Avenue at the Southeast corner of the parking level. The landscape plan was a positive indication of the intent of screening for the proposed courtyard.
4. Board appreciated the broken up massing of Option C and how the open space was distributed throughout the project. Overall, C responded better to the site than other options. It was recognized that providing a ramp to parking from the alley would be more difficult in option C as currently configured. Encouraged the use of the strategy, shown in Option C, of the strong street-side modulation. Perhaps it can be smaller, entry to building could be along 18th Avenue instead of corner.
5. Requested the Architect provide additional information concerning the sidewalk facing site walls.
6. Encouraged Architect to create a strong connection between the building and streetscape. The building should not put up "barriers".
7. Encouraged Architect to explore options to provide more units at sidewalk grade by grading down the site between building and sidewalk to sidewalk grade.
8. Encouraged simplified and consistent detailing, especially along the rooflines, cornice treatment, windows. The quieter detailing of Option C in these areas minimizes the attention to the scale of the structure. Detailing throughout the project should be clear and consistent. Eclecticism within the building's detailing was discouraged.

9. The board would entertain parking departures, such as the width of the ramp, if parking was accessed from the alley.
10. Overall, the board preferred Option A for the alley access, Option C provided the best massing and manipulation of edges, Option D configuration lent itself best to incorporate the alley parking ramp, and more units at ground level was preferred.

BOARD DELIBERATIONS/COMMENTS

At the Final Recommendation meeting

1. BAY MODULATIONS AT NORTH AND EAST FACADES (DENNY AND ALLEY, RESPECTFULLY)

The small bays (two along Denny, one along alley) feel additive and are not incorporated successfully into the proportions of the project. The center courtyard modulations are successful, especially the court along Denny. Board opinion was mixed concerning the outright elimination of the bays. The Applicant should further refine the façade modulations to create a simplified, cohesive and well proportioned façade at the North and East Façade modulations. This may include, but is not limited to: a refinement of parapet proportions, window design, elimination of additive bays, or refinement of materiality and texture. The Board appeared to be supportive of giving the applicant discretion in adjusting departures to address the design response.

2. PARAPET PROPORTIONS

The cement board façade panels between the top of the windows and the parapet termination appears excessive and out of proportion to the building layers. The proportion of this area could be brought into scale with the other components of the façade. Refinements could include lowered parapet heights and introduction of lighter rail elements on top of the parapet. Board recognized that adjustments to parapet proportions could affect the refinement goals of the bay modulation design response.

3. SOUTHERN FAÇADE

The Southern façade should be further refined to provide more texture and provide visual interest to the Southern neighbor. The applicant shall refine the Southern façade to create a varied and interesting elevation as viewed from the alley and the Southern neighbor. Privacy between Southern neighbor and tenants should also be taken into consideration in the design response. The refinements may include, but are not limited to: creating a high quality varied railing design which may use solid panels, open panels, planters, review of façade materials, and attention to window locations and proportions to the façade.

4. WINDOW QUALITY & DESIGN

Windows should be of high quality and detailing and seek to emulate a metal or wood window as proposed to a typical vinyl window. A high quality vinyl window that meets the color and detail requirements as expected could be acceptable. A colored vinyl is preferred. The windows should be refined to increase the interest in the elevation. Suggestions include, but are not limited to, thicker mullions, different window divisions or operations, or addition of transoms where allowed by roof configurations.

5. VENTING

Mechanical penetration locations should be thoughtfully organized within the façade design and

6. MATERIALS

Brick should be a rich color to provide contrast to other project materials. Perhaps even more so than as represented on the physical material board (renderings appeared to not convey the richness of the colors shown on material board.) Railings and gates should be of high quality materials which should weather well, especially avoiding rusting.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the **Early Design Guidance meeting**, the following departures were requested:

1. **Side Setbacks (SMC 23.45.518):** The Code requires 7' average side setbacks with a minimum of 5' setbacks. The applicant proposes an average side setback along E Denny Way of 6'-10" with setbacks ranging from 5' to 21'. In order to respect the Southern residential property and provide a large tree replacement courtyard at the SW corner of the site, project proposes to push building mass toward E Denny Way. Project respects 5' minimum setbacks along Denny, while still providing modulations to relieve the facade elevation. Setbacks along the Southern property line and 18th Avenue are greater than required.

The Board indicated they would be favorable towards the concept of a "minimal" dimensional departure. Especially if the return was for more open space or reduction in massing.

2. **Roof Overhang Setbacks (SMC 23.45.518.H1):** The Code states eaves and roofs may project into required setbacks a maximum of 4' if they are no closer than 3' to any lot line. The applicant proposes a lobby entry awning to project 5' into the front setback and to the lot line along 18th Avenue. To emphasize the pedestrian entry, project proposes entry building massing up to the 5' street setback line and a 5' deep awning within the setback. The awning would project up to the street lot line along 18th Avenue.

The Board indicated they would entertain a roof overhang departure, but additional information would be needed to review details, material use, and they requested sidewalk perspective studies.

3. **Maximum Façade Length (SMC 23.45.527.B1):** The Code requires a maximum combined length of all facades within 15' of an interior side lot line shall not exceed 65% of the length of that line. The applicant proposes to exceed the 78' allowed facade length within 15' setback on South lot line. In order to provide a properly sloped parking ramp from the alley and maintain a viable parking level, the ramp location falls within the 15' setback area. The total length of the ramp is 69'. Total facade length within 15' setback is 84'-8". 24' of that is 5' in height.

The Board indicated they would entertain a departure to the maximum façade length if vehicle access to parking is provided from the alley.

- 4. 15' Garage Door Setback (SMC 23.45.536.D3b):** The Code requires a 15' garage door setback from street facing property lines. The applicant proposes shifting the building massing toward property lines to allow for generous interior and streetscape courtyards. Garage face is set back 9' to 10' instead of 15'.

The Board indicated they would not entertain a departure on this development standard.

- 5. Driveway Sight Triangle (SMC 23.54.030.G1):** The Code requires a 10' by 10' sight triangle at driveways. The applicant proposes that since the driveway entrance is recessed within the structure, the triangle is impacted by the footprint of the building's modulated footprint.

The Board indicated they would entertain a departure/modification to the sight triangle requirements for alley vehicle access.

At the time of the **Final Recommendation meeting**, the following departures were requested²:

- 1. Departure 1: Bay Projection into Alley Setback**

Conditional Approval - 18th, Denny, and alley facades to be refined per BAY MODULATIONS and PARAPET discussion points listed above. The Board would support the Applicant by approving reductions in the minimum alley setback if the bay modulation was to be removed from the façade. *This would be a departure from Zoning Code section SMC 23.45.518 Table A for rear setbacks and not the bay projection departure request to section SMC 23.45.518.H3b.* An alley setback departure should be limited by a minimal dimensional amount similar to the proposed bay projection depth for the continuous width of the facade.

- 2. Departure 2: Common Area Minimal Dimension**

Approved

- 3. Departure 3: Maximum Façade Length**

Conditional Approval – Southern façade to be refined per SOUTHERN FAÇADE discussion points listed above. The Board would support the Applicant in choosing to extend planting boxes at railings or openings beyond the Southern extents of the proposed balcony locations, even if these elements increase the extent of the departure request.

- 4. Departure 4: Street Side Setback at Denny**

Conditional Approval – 18th, Denny, and alley facades to be refined per BAY MODULATIONS and PARAPET discussion points listed above. The Board would support the Applicant choosing to depart from the zoning code minimum street setback, going all the way to grade and for the length of the building modulation instead of being limited to the dimensions of the proposed bay within the setback. A street side setback departure shall be limited by a minimal dimensional amount similar to the proposed bay projection depth.

² See sheet A0.02, Departure Matrix, MUP Plan set 3012667

At the Final Recommendation Meeting, the Board recommended is that the requested **departure(s) be approved** based upon the project better meeting the design guideline priorities noted above, thus achieving a better overall design than could be achieved without the departure(s).

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed recommendations, 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 recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings, and is consistent with SEPA requirements or state and federal laws. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the guideline's and do not conflict with regulatory requirements.

CONDITIONS

Design Review conditions are listed at the end of this report.

DIRECTOR'S 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) because the proposed project is located in a commercial zone and exceeds four dwelling units.

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans, considered pertinent public comment; and forms the basis of this analysis and decision based on its experience as lead agency with review of similar projects.

As indicated in this analysis, this action may 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 D](#)) 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of impacts is appropriate and is noted below.

Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction). Other agencies will provide adequate mitigation for the identified impacts, such as the Puget Sound Clean Air Agency (dust/air impacts during construction and demolition).

Earth

The proponents have submitted a preliminary geotechnical investigation for DPD review. The borings on site indicated weathered glacial till consisting of dense to very dense materials; there are no indications of unstable soils on the site. The project will require approximately 1,750 cubic yards of excavation and 138 cubic yards of fill. DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC [22.800](#)) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

The on-site structures will be demolished. Characterization of on-site building for lead paint and asbestos will be required prior to demolition. The project will be required to obtain a permit from the Puget Sound Clean Air Agency prior to a demolition permit being issue. Such additional study and the PSCAA permit will provide adequate mitigation of any potential SEPA impacts.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment 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 significant, so mitigation is not required pursuant to SEPA.

Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. However, the limitations of the Noise Ordinance are found to be adequate 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](#)), no mitigation other than compliance with the Construction Noise Ordinance is warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction is unwarranted.

Construction Traffic

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This immediate area is subject to some traffic congestion during the PM peak hours, and large trucks would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which will not be mitigated by existing codes and regulations.

For the duration of construction, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

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 en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City’s existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled 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 project's 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 significant, so do not require mitigation pursuant to SEPA.

Height, Bulk, and Scale

SMC [25.05.675.G.2.c](#) states, “*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*”

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project and unanimously recommended approval of the project design. The proposed structure is located on an NC3-65 zoned site, and the structure conforms to zoning requirements, including height and bulk. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's potential light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be downshielded but will provide enough light in the evening to provide a safe environment. DPD therefore determines that light and glare impacts are not substantial and warrant no further mitigation per SMC 25.05.675.K.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

Greenhouse Gas

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.

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

CONDITIONS – SEPA

During Construction (including demolition)

1. For the duration of the removal of the existing building, excavation of materials, and delivery of construction materials; the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

2. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on April 24, 2013 and as modified in updated plans approved by Colin R. Vasquez, Senior Land use Planner, following the Board's recommendation meeting.

Prior to Construction

3. Any proposed changes to conform to design review recommendations to the exterior of the building must be submitted to DPD for review and approval of the Senior Land Use Planner (Colin R. Vasquez, 206-684-5639). 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.
4. 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, 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.

Prior to Issuance of the Building Permit

5. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Prior to Issuance of a Permanent Certificate of Occupancy

6. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with, sitting, materials, and architectural details is substantially the same as those documented in the approved/issued plans.

Compliance with all applicable conditions must be verified and approved by the Senior Land Use Planner, Colin R. Vasquez (206-684-5639) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: _____ (signature on file) Date: September 12, 2013
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CV:drm

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