



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

**Application Numbers:** 3012851  
**Applicant Name:** Studio Meng Strazzara  
**Address of Proposal:** 500 Third Avenue West

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow a five story building with 71 residential units, five live/work units and parking for 77 vehicles located below grade. Review includes demolition of a commercial structure and 8,000 cubic yards of grading.

The following approvals are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41**

**SEPA - Environmental Determination** pursuant to SMC 25.05

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

\* Notice of the Early Determination of Non-significance was published on March 29, 2012.

**PROJECT DESCRIPTION**

The applicant proposes to construct a five-story, mixed use structure with 71 residential units, five commercial live/work units at the northeast corner of Third Avenue West and West Republican Street. Seventy-seven parking spaces would be provided below-grade accessed from the alley. The proposal would require demolition of a one-story commercial building.

The applicant presented three design options. Due to the site constraints, the proposals for the infill project share several commonalities including a desire to place live/work units along both W. Republican St. and Third Ave. W. (This provides the applicant with a greater floor area ratio), vehicle access from the alley and residential lobby access on Third Ave. W. Option # 1 forms a rectangular mass with the building setback from the alley and the rest of the bulk hugging the three other property lines. A single loaded corridor forms an east/west spine through the structure.

The “U” shaped option #2 generates a courtyard fronting the alley with residential units fronting the court on three sides. Like the previous option, the bulk of the building meets the bordering streets. The structure at the first floor sets back along Third Ave. sheltering the entrances to the proposed live/work units. Option # 3 carves away the northeast portion of the building mass to create a small open space for the first floor units. Preferred by the applicant, the design has a notch at the corner of the two streets and projecting bays along the upper floor of the building.

The proposed parking ramp’s location close to the alley intersection with the street is due to the change in grade. The rooftop includes several usable rooftop deck areas. Residential open space includes sunken patios with landscape buffers for street level units facing the alley.

By the Recommendation meeting, the applicant had revised the structure to set back considerably from the northern portion of Third Ave W. The preference for all live/work units along the two streets changed to a combination of live/work and residential loft spaces along W. Republican and the southern portion of the property on Third Ave. Traditional apartment flats set back horizontally and vertically from the property line and sidewalk grade respectively occupy the northern half of the building along Third Ave. A series of terraces connect the right of way to the units.

## **SITE & VICINITY**

The roughly 21,600 square foot site lies within a Neighborhood Commercial Three (NC3 40) zone for a 40 foot height limit. A two-story, commercial structure and a pay parking lot occupy the development site. A curb cut on W. Republican St. and an alley provides egress to the parking lot. The site’s declension totals approximately 14 feet from from the northeast corner to the southwest corner.

In this area of the Uptown neighborhood of Queen Anne, Neighborhood Commercial (NC3) zoning predominates. The permitted heights decrease the further west from Seattle Center (NC3 85) and the further north of Denny Way NC3 65). Closer to Fourth Ave W, the zoning classification shifts to the multifamily residential Midrise zone. The intensity of the neighborhood zoning decreases as one moves north toward W. Roy St. and the hill (LR3).

The neighborhood has a mix of low-rise multi-family residential and commercial / mixed use buildings. Lower Queen Anne forms an urban, pedestrian accessible neighborhood with a variety of services. First Ave W. and Queen Anne Ave. to the west form the commercial and retail core. Seattle Center lies several blocks to the east and Kinnear Park lies to the northwest. Buildings represent an eclectic mix of styles and materials.

## **ANALYSIS - DESIGN REVIEW**

### **Public Comments**

Approximately 5 members of the public affixed their names to the Early Design Review meeting sign-in sheet. Those who spoke raised the following issues:

- The adequacy of the proposed number of parking spaces.
- Concern about sufficient usable alley width for the existing business across the alley which has a commercial kitchen with a main entry on the alley.

### **GUIDELINES**

After visiting the site, considering the analysis of the site and context provided by the proponent, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified highest priority by letter and number from the guidelines found in the City of Seattle’s “Design Review: Guidelines for Multi-family and Commercial Buildings”. 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.**

##### **Uptown-specific supplemental guidance:**

**Throughout Uptown new developments should, to the extent possible, be sited to further contribute to the neighborhood’s pedestrian character.**

**Uptown Urban and Heart of Uptown character areas encourage outdoor dining areas utilizing sidewalks and areas adjacent to sidewalks. Outdoor dining is especially encouraged for sites on block faces with southern exposure.**

At the Early Design Guidance Meeting, the Board directed the applicant to consider an alternative massing that responds to the grade change and the adjacent residential building. The proposed L-shape and existing grade change results in below-grade residential units. The length and location of the proposed building wall on the north property line impacts the residential units in the building to the north.

The Board suggested a building mass that ‘flips the L-shape’ to allow more open space at the northwest corner, or a “T-shape” that allows more open space at the northeast and northwest corners.

The open spaces at the northwest and northeast edges should be used to transition from the grade at the sidewalk and alley grade to the building entries, and avoid difficult below-grade patios. The open spaces should have high quality landscaping to enhance entries and provide screening for residents near grade.

The building mass at the north property line should be minimized, or placed in a location that minimizes impacts to the adjacent residential building to the north. For instance, an L-shape that places open space at the northwest corner would move the building mass further to the east and place less building wall across from the windows of the residential building to the north. The Board provided further guidance related to massing in the response to Guideline B-1.

The Board also noted the possibility of a future park across the street from this site. The applicant should contact Parks Department to see if there are plans for a park at that location, and if so, design the proposal with that context in mind.

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

**Uptown-specific supplemental guidance:**

**Throughout Uptown, major entrances to developments should be prominent. The use of distinctive designs with historical references is strongly encouraged. Design, detailing, materials and landscaping may all be employed to this end. Building addresses and names (if applicable) should be located at entrances, tastefully crafted.**

The Board discussed the need for clearly identifiable residential entries from the street, noting that the proposed massing creates a street level design that is more consistent with office uses. With this guidance in mind, the applicant should develop entries consistent with the building parti and program.

**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 Board directed the applicant to arrange the building mass as described in response to Guideline A-1.

The applicant will need to dimension the proposed alley width and driveway entry location in response to the commercial kitchen entry across the alley.

**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.**

**Uptown-specific supplemental guidance:**

**Front Setbacks**

**Where feasible, new development in the Uptown Park character area should consider landscaping any setback from the sidewalk. Landscaping within a setback should provide a transition from public to private space and define a boundary between these.**

**Where the incorporation of decorative gates and fencing may be necessary to delineate between public and private spaces, these features should be softened by landscaping where feasible.**

The area has a strong residential character. Street level residences should include open space and landscaping between the sidewalk and the units. This also relates to the guidance in response to Guideline A-1.

**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.**

**Uptown-specific supplemental guidance:**

**Corner Lots in Uptown**

**Generally, buildings within Uptown should meet the corner and not be set back. Building designs and treatments as well as any open space areas should address the corner and promote activity. Corner entrances are strongly encouraged, where feasible.**

Discussing the rounded corner shown at the intersection of 3<sup>rd</sup> Ave W and W Republican St., the Board directed the applicant to place the primary residential building entry or the major commercial entrance at this location.

**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.**

**Uptown-specific supplemental guidance:**

**Throughout Uptown, a departure would be supported for 3' of additional height for projects that step back the top floor of the structure a minimum of 6' from the street.**

**In the Heart of Uptown character area, break facades into smaller massing units.**

**In the Uptown Urban character area larger massing units and less modulation are appropriate, provided they are carefully designed, with quality materials.**

The Board's direction related to the applicant reiterates its concerns for the massing described in response to Guideline A-1. The Board also directed the applicant to use the departure possible through this Guideline in order to gain an additional floor at the north end of the site and break the building mass into two stepped volumes. The Board recognized the difficulty of a modestly stepped floor plate, and advised using this departure to achieve a full story of difference at the break in the floor plate.

In addition to the potential departure, the Board urged the applicant to modify the design to visually reduce the length of the building on 3<sup>rd</sup> Ave W. This may be achieved by using the massing changes described in response to Guideline A-1.

## **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.**

**Uptown-specific supplemental guidance:**

**In the Uptown Park character area, extensive landscaping, the use of brick and inlaid tile as building materials and designs with an appearance of substance and quality are recommended to promote Uptown Park's desired character.**

**The Uptown Park character area emphasizes the notion of historic continuity—the relationship of built structures over time.**

**The Uptown Park and Heart of Uptown character districts prefer an architecture that emphasizes human scale and quality, detailing and materials, and that remains compatible with the existing community.**

**Supplemental Guidance Scope**

**The Uptown Urban character area embraces high quality urban infill, and responds to special relationships with nearby civic institutions.**

The Board observed the neighborhood's dominate residential character. The street face of the proposed live-work units should balance residential design qualities with commercial elements. The street level units should be designed with setbacks, higher window sills, stoops, and landscaping to encourage a sense of privacy and prevent closed blinds at the sidewalk level.

The Board noted that it would be open to a departure to design the building with more residential street level use than otherwise permitted by the Land Use Code.

The Board requested a more thorough analysis of the nearby context at the Recommendation meeting.

## **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.**

**Uptown-specific supplemental guidance:**

**Throughout Uptown entries should be designed to be pedestrian friendly (via position, scale, architectural detailing, and materials) and should be clearly discernible to the pedestrian.**

**Throughout Uptown special attention to the pedestrian experience and street right-of-way should be given along pedestrian corridors as identified on the map (pg. VI).**

Throughout Uptown the use of a pedestrian-scaled streetlamp within all character areas is encouraged. In addition, streetscape features such as street clocks and benches are encouraged in Heart of Uptown and Uptown Urban character areas.

In the Uptown Urban and Heart of Uptown character areas, encourage Seattle Center campus redevelopment along its boundaries to either open vistas from Uptown into Seattle Center or to provide activation for the street.

Including amenities for transit riders in a building's design rather than the traditional use of curbside bus shelters generates a safer and more active street. In the Uptown Urban and Heart of Uptown character areas the elimination of curbside bus shelters is encouraged in retail areas as appropriate.

The Board provided guidance related to the grade and entries as described in its response in Guidelines A-1, A-3, A-6, and B-1.

- D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

The exterior of the live-work units should exhibit some residential character balanced with its commercial intent. The Board accepted the idea that residential units at street level can be appropriate for this location.

- 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.**

The Board's guidance focused on the building entries as described in its responses to Guidelines A-1 and B-1.

## **E. Landscaping**

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

The area between the sidewalk and the live/work unit entries along 3<sup>rd</sup> Ave W should be well landscaped creating a transition between the public space at the sidewalk and the semi-private space of the commercial work area.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on March 15, 2012.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation Meeting on August 1st, 2012 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meetings, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

### **Public Comments**

Approximately five members of the public affixed their names to the Recommendation meeting sign-in sheet. Those who spoke raised the following issues:

- Use an anti-graffiti coating on the blank walls near the streets.
- The corner at 3<sup>rd</sup> Ave W. and W. Republican St. is well designed.
- Praise for the use of brick.
- Use specific Uptown pedestrian lighting fixtures for the right of way. The specific fixtures are currently installed on First Ave. W.
- The project needs pedestrian lighting on the sidewalk. Use the Uptown standard lighting fixture.
- The setbacks and differentiation of the facades are good.
- The corner has too much concrete. Look at early 20<sup>th</sup> century buildings. Consider using decorative tiles. At the very least, painting the raw concrete would reduce the crudeness of the material and its impact on the streetscape.
- In Uptown, we don't favor Juliette balconies. The ones proposed for this project look better than most seen.
- This project is exactly the kind of residential apartment building that we like in Uptown. All in all it is a really good project.

DPD received one letter encouraging the department to ensure that the applicant install the Uptown Park specified pedestrian lamp fixture (ZED Zenith Pedestrian Light Fixture and Pole).

## **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.**

### **Uptown-specific supplemental guidance:**

**Throughout Uptown new developments should, to the extent possible, be sited to further contribute to the neighborhood's pedestrian character.**

**Uptown Urban and Heart of Uptown character areas encourage outdoor dining areas utilizing sidewalks and areas adjacent to sidewalks. Outdoor dining is especially encouraged for sites on block faces with southern exposure.**

Responding to the early design guidance, the applicant revised the massing and the location of the open space by substantially setting back the northern most portion of the Third Ave. façade and creating a series of landscaped terraces and patios from sidewalk level to the units. The revised massing and landscaping defers to the adjacent residential building by introducing a transition from the live/work units closer to W. Republican St. to the residential neighborhood to the north.

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

**Uptown-specific supplemental guidance:**

**Throughout Uptown, major entrances to developments should be prominent. The use of distinctive designs with historical references is strongly encouraged. Design, detailing, materials and landscaping may all be employed to this end. Building addresses and names (if applicable) should be located at entrances, tastefully crafted.**

At the EDG meeting, the Board's guidance focused on the need for clearly identifiable residential entries from the street. The applicant has accomplished this along W. Republican St. and for the live/work units along Third Ave W.

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

In order to encourage true neighborhood commercial development, the Board recommended that two sets of the live/work units have easily removable demising walls (non-load bearing) to create larger more useable commercial spaces. These units include the two live/work units between the primary residential entrance on Third Avenue West and the West Republican St. and the two units closest to the corner of W. Republican St. and the alley.

**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.**

See Board comments for A-1.

**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.**

**Uptown-specific supplemental guidance:**

**Front Setbacks**

**Where feasible, new development in the Uptown Park character area should consider landscaping any setback from the sidewalk. Landscaping within a setback should provide a transition from public to private space and define a boundary between these.**

Where the incorporation of decorative gates and fencing may be necessary to delineate between public and private spaces, these features should be softened by landscaping where feasible.

- 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.**

**Uptown-specific supplemental guidance:**

**Corner Lots in Uptown**

**Generally, buildings within Uptown should meet the corner and not be set back. Building designs and treatments as well as any open space areas should address the corner and promote activity. Corner entrances are strongly encouraged, where feasible.**

The architect revised the drawings and eliminated a rounded corner at Third Ave and Republican St. The primary residential lobby occurs near the mid-point of the property along Third Ave.

**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.**

**Uptown-specific supplemental guidance:**

**Throughout Uptown, a departure would be supported for 3' of additional height for projects that step back the top floor of the structure a minimum of 6' from the street.**

**In the Heart of Uptown character area, break facades into smaller massing units.**

**In the Uptown Urban character area larger massing units and less modulation are appropriate, provided they are carefully designed, with quality materials.**

The applicant responded to earlier guidance by revising the building's massing along Third Ave W. to set back from the right of way as it approaches the north property line. This met the earlier guidance to reduce visually the structure's length.

The Board noted its satisfaction with the revised massing.

**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.**

**Uptown-specific supplemental guidance:**

**In the Uptown Park character area, extensive landscaping, the use of brick and inlaid tile as building materials and designs with an appearance of substance and quality are recommended to promote Uptown Park's desired character.**

**The Uptown Park character area emphasizes the notion of historic continuity—the relationship of built structures over time.**

**The Uptown Park and Heart of Uptown character districts prefer an architecture that emphasizes human scale and quality, detailing and materials, and that remains compatible with the existing community.**

**Supplemental Guidance Scope**

**The Uptown Urban character area embraces high quality urban infill, and responds to special relationships with nearby civic institutions.**

Landscaping and steps from the sidewalk to the terraces and patios of the units facing Third Ave. enhance the residential character of the design. The residential lofts on W. Republican provide a more urbane quality to the streetscape as the units sit several feet above the sidewalk.

**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.**

**Uptown-specific supplemental guidance:**

**Throughout Uptown entries should be designed to be pedestrian friendly (via position, scale, architectural detailing, and materials) and should be clearly discernible to the pedestrian.**

**Throughout Uptown special attention to the pedestrian experience and street right-of-way should be given along pedestrian corridors as identified on the map (pg. VI).**

**Throughout Uptown the use of a pedestrian-scaled streetlamp within all character areas is encouraged. In addition, streetscape features such as street clocks and benches are encouraged in Heart of Uptown and Uptown Urban character areas.**

**In the Uptown Urban and Heart of Uptown character areas, encourage Seattle Center campus redevelopment along its boundaries to either open vistas from Uptown into Seattle Center or to provide activation for the street.**

**Including amenities for transit riders in a building's design rather than the traditional use of curbside bus shelters generates a safer and more active street. In the Uptown Urban and Heart of Uptown character areas the elimination of curbside bus shelters is encouraged in retail areas as appropriate.**

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

The height of the concrete base at the corner of Third Ave. W. and W. Republican St. forms an expansive blank wall at an important corner. The Board recommended adding detailing to the concrete base in order to provide more definition and interest. Install plantings that mature to a height forming a substantial layer between the sidewalk and the concrete wall.

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

Add pedestrian oriented lighting along Third Ave. W and W. Republican St. Use the lighting fixtures specified in the Uptown Park District Landscaped Streets Element as “ZED “Zenith” Pedestrian Light Fixture and Pole approved by SDOT.

Lighting on the building should generally be shielded.

- D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

- D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and 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-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

The walls dividing the dwelling units’ patios or open spaces along and above Third Ave. W. should have much greater transparency than the illustration provided on p. 8 of the Recommendation booklet. These walls and those parallel to Third Ave. should be shorter than six feet.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the August 1st, 2012 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 August 1st public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously 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	RECOMMENDATION
1. Residential Uses at Street Level SMC 23.47A.005C.3	Residential uses not to exceed 20% of street level. Maximum residential use on 3 <sup>rd</sup> Ave W. totals 35.2’.	Allow an increase of residential use to 73.6% or 129.6’.	<ul style="list-style-type: none"> <li>▪ Enhances residential character of the adjacent street and reflects Design Review Board preference to reinforce residential pattern on 3<sup>rd</sup> Ave W.</li> </ul>	Approved
2. Street Level Standards SMC 23.47A.008A.3	Street-level street-facing facades shall be located within 10’ of the street lot line.	Allow 89’ of west façade to be 17’ from street lot line.	<ul style="list-style-type: none"> <li>▪ T-shaped scheme defers to building to the north.</li> <li>▪ Enhanced landscaped terraces with access to street along 3<sup>rd</sup> Ave W.</li> </ul>	Approved
3. Street Level Development Standards SMC 23.47A.008D.3	Floor of a dwelling unit located along street-level facing façade shall be at least 4’ above or below sidewalk grade or be set back at least 10 from the sidewalk.	Allow residential use to be separated from adjacent sidewalk grade with a reduced vertical separation ranging from 11” to 43” in lieu of the minimum of 48”.	<ul style="list-style-type: none"> <li>▪ Frontage on W. Republican St. will have mix of loft style units and live/work that respond to sloping terrain.</li> </ul>	Approved
4. Structure height. SMC 23.41.012B.12d	Within the Uptown Urban Center, building height departures up to 3’ of additional height may be granted if the top floor of the structure is set back at least 6’ in addition to all required building setbacks.	<p>The Uptown Neighborhood Guidelines (B-1 Height, Bulk and Scale) Throughout Uptown, a departure would be supported for 3’ of additional height for projects that step back the top floor of the structure a minimum of 6’ from the street.</p> <p>A portion of the 3<sup>rd</sup> Ave façade does not step back 6’ at the top most level.</p>	<ul style="list-style-type: none"> <li>▪ The intentions of the Seattle Municipal Code and the Uptown Neighborhood Guidelines are not reconciled.</li> <li>▪ On 3<sup>rd</sup> Ave W. the 5<sup>th</sup> floor setback averages greater than six feet from the property line.</li> </ul>	Approved
4. Street Level Development Standards SMC 23.47A.008B.3.a	Non-residential uses shall extend an average of at least 30’ in length.	Allow live/work units to be a minimum of 27’ average.	<ul style="list-style-type: none"> <li>▪</li> </ul>	Approved
5. Street Level Development Standards SMC 23.47A.008B.3.b	Nonresidential uses at street level shall have a floor to floor height of at least 13’.	Allow live/work units to have 19’ high front area with mezzanine floor in the back splitting units into 9’ lower and upper areas.	<ul style="list-style-type: none"> <li>▪ Separates living area from work area. Creates 6’ higher work spaces facing street.</li> </ul>	Approved

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

- 1) In order to encourage true neighborhood commercial development, the Board recommended that two sets of the live/work units have easily removable demising walls (non-load bearing) to create larger more useable commercial spaces. These units include the two live/work units between the primary residential entrance on Third Avenue West and West Republican St. and the two units closest to the corner of W. Republican St. and the alley. (A-4)
- 2) Add detailing to the concrete base at the corner of W. Republican St. and Third Ave. W. in order to provide more definition and interest. Install plantings, which mature to a height that form a substantial layer, between the sidewalk and the concrete wall. (D-2)
- 3) Add pedestrian oriented lighting along Third Ave. W and W. Republican St. Use lighting fixtures specified in the Uptown Park District Landscaped Streets Element as “ZED “Zenith” Pedestrian Light Fixture and Pole approved by SDOT. (D-7)
- 4) Lighting on the building should generally be shielded. (D-7)
- 5) The walls dividing the dwelling units’ patios or open spaces along and above Third Ave. W. should have much greater transparency that the illustration provided on p. 8 of the Recommendation booklet. These walls and those parallel to Third Ave. should be shorter than six feet. (E-3)

### **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. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design, as stated above.

The fourth departure (listed in the table above) was erroneously presented to the Queen Anne Design Review Board during the Recommendation meeting as a departure from the Uptown Neighborhood Design Guidelines. When the department researched the departure request after the meeting, staff discovered that Seattle Municipal Code chapter 23.41.012B.12d allows a three foot height bonus if the top floor of the structure sets back six feet from the property lines as opposed to the Uptown guidelines which states that the structure could set back six feet from the streets. After reviewing the conflicting city approved Uptown Neighborhood Design Guidelines and the city approved Land Use Code, the DPD Director agrees with the intent of the Uptown guidelines and approves the applicant’s intent to calculate the setback by averaging the proposed setbacks along Third Ave W. to equal six feet or greater.

### **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 dated March 14, 2012 and revised May 11, 2012. The information in the checklist, project plans, 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 25.05.665 D) 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 certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### 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, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. 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 analyzes construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

### Noise

Noise associated with construction of the mixed use building and future phases 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 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.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

### Air Quality

Construction for this project is expected to add temporarily particulates to the air that 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 nearby residential buildings.

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 (SGDCC) 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

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation is approximately 83 feet and will consist of an estimated 8,000 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. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Impacts

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

### Traffic and Parking

Duration of construction of the apartment building may last approximately 18 months. 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 and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction would likely reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. Upon completion of the parking garage, construction workers shall park in the garage. In order to minimize adverse impacts, the applicant will need to provide a construction worker parking plan to reduce on-street parking until the new garage is completed and safe to use. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 8,000 cubic yards of soil are expected to be excavated from the project site. 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 approximately 800 round trips with 10-yard hauling trucks or 400 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

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 Broadway. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

### 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; increased demand for parking; and increased light and glare.

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, green house gas emissions, historic preservation, traffic, parking impacts and public view protection warrant further analysis.

### Greenhouse Gas Emissions

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 expected to be significant.

### Historic Preservation

An existing commercial structure, built in 1931 with a addition constructed in 1937, was reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing commercial building would meet the standards for designation as an individual landmark.

### Transportation

Transportation Engineering NorthWest (TENW), LLC, the applicant's traffic and parking consultant, estimates that the residential and live/work units would generate an average of 132 new daily trips with 12 P.M. peak hour trips. These new trips are over and above the trips produced by the existing warehouse/office building. Based on the distribution of these trips (see consultant's report) the nearby signalized intersection of West Mercer St./Republican St. West intersection would experience no increase in peak hour trips on a typical weekday. Other signalized intersections on W. Republican St. and W. Mercer St. would experience up to six new A.M. or P.M peak hour trips. Given the small amount of additional traffic added to the roadway system at peak times and the distribution of the traffic, no adverse transportation impacts are anticipated from the development of the project.

### Parking

The applican proposes to construct more than one parking space per unit. Typical peak parking demand could be met on site, resulting in no spillover parking onto surrounding streets.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

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

## **CONDITIONS – DESIGN REVIEW**

### *Prior to MUP Issuance*

Revise plans sets to show:

1. For two pairs (a total of four units) of the live/work units, install easily removable demising walls (non-load bearing) to create larger more useable commercial spaces in order to encourage true neighborhood commercial development. These units include the two live/work units between the primary residential entrance on Third Avenue West and West Republican St. and the two units closest to the corner of W. Republican St. and the alley.
2. Add detailing to the concrete base at the corner of W. Republican St. and Third Ave. W. in order to provide more definition and interest. Install plantings which mature to a height that form a substantial layer between the sidewalk and the concrete wall.
3. Add pedestrian oriented lighting along Third Ave. W and W. Republican St. Use lighting fixtures specified in the Uptown Park District Landscaped Streets Element as “ZED “Zenith” Pedestrian Light Fixture and Pole approved by SDOT.
4. Lighting on the building should generally be shielded.
5. The walls dividing the dwelling units’ patios or open spaces along and above Third Ave. W. should have much greater transparency that the illustration provided on p. 8 of the Recommendation booklet. These dividing walls and those parallel to Third Ave. should be shorter than six feet.

### *Prior to Building Application*

6. Include the departure matrix in the zoning summary section on all subsequent building permit plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent building permit plans.

Prior to Commencement of Construction

7. 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

8. Embed the MUP conditions in the cover sheet for all subsequent permits including updated building permit drawings.

Prior to Issuance of a Certificate of Occupancy

9. 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, 206.615-1392). 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

10. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce Rips, 206.615-1392). 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

11. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
12. A construction traffic management plan shall be submitted to DPD and SDOT prior to the beginning of construction. This plan will identify off-street construction worker parking, construction materials staging area; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures. The intent of the construction worker parking plan is to reduce on-street parking until the new garage is constructed and safe to use.

During Construction

13. 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.
14. In addition to the Noise Ordinance, requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
- A. Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
  - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
  - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
  - D) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
15. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
16. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) 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.

Signature: (signature on file)  
Bruce P. Rips, AAIA, AICP  
Department of Planning and Development

Date: November 19, 2012