



**City of Seattle**

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**Department of Planning and Development**

Diane M. Sugimura, Director

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

**Application Number:** 3013403  
**Applicant Name:** Matt Driscoll  
**Address of Proposal:** 4039 Eighth Avenue Northeast

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow a four to five story 59 unit residential structure. Review includes 1,000 cu. yds. of grading. Two existing structures to be demolished.

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 January 17, 2013.

**PROJECT DESCRIPTION**

The applicant proposes to construct a four to five-story structure with 59 residential units on Eighth Avenue Northeast between NE 40<sup>th</sup> St to the south and NE 42<sup>nd</sup> St to the north. No parking would be provided. The proposal would require demolition of two single family structures.

The applicant submitted three massing options. Commonalities of the alternatives include four to five-floors, no parking spaces, minimum of seven foot side setbacks from the property line, 15 foot rear setback, placement of solid waste storage fronting Eighth Ave NE, and a resident open space on the roof. In plan, Option One resembles an H-shape with two, four-floor columns of units flanking a recessed entry on Eighth Ave. Another set of units would flank a small open space facing west. A roof deck would extend over the western court.

Option Two forms an elongated U-shape plan facing west. The entrance, solid waste storage, and four floors of units are pushed toward Eighth Avenue with a slight modulation at the corners. Unlike Option One, an exterior stairs and corridor would serve the dwelling units on the southern half of the structure. A deck would occupy this same southern mass's roof. In plan, this design scenario would have less interior space devoted to lobby and potential amenity space than the other options.

A central courtyard, beginning at level two, characterizes the third massing option. Circulation forms the perimeter of the courtyard separating the units from direct views into the court's interior. A sizeable roof deck covers the southwest portion of the building. Based on the drawings, it appears that the hallways are enclosed within the structure's envelope.

By the Recommendation meeting, the applicant developed the third option or courtyard scheme and eliminated the roof level open space.

## **SITE & VICINITY**

The 8,500 sq. ft. site lies within a multifamily Lowrise 3 (LR 3) zone within the University District Northwest Urban Center Village. Two single family structures occupy the two parcels comprising the development site. The site's declension totals approximately 17 feet from the northeast to the southwest corner. The site does not have a mapped environmentally critical area.

The University District is a diverse neighborhood with a plethora of building types and land uses. The immediate vicinity of the proposal includes single family houses, townhouses and mid-size residential buildings. On the same block to the north lie a rooming house (built in 2009), duplexes and a triplex, University P-patch and a King County Metro facility. To the north at 4053 8th Ave NE another multifamily project (3012892) has an issued permit from DPD. The western edge of the University of Washington sits two blocks to the east. Major arterials include NE 45th St to the north, I-5 a block to the west, and NE 40th to the south. 8th Ave NE is a collector street.

## **ANALYSIS - DESIGN REVIEW**

### **Public Comments**

Ten members of the public affixed their names to the Early Design Guidance meeting sign-in sheet. No members of the public commented on the proposal.

## **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.

**University-specific supplemental guidance:**

**Context:** The pedestrian-oriented street streetscape is perhaps the most important characteristic to be emphasized in the neighborhood. The University Community identified certain streets as “Mixed Use Corridors”. These are streets where commercial and residential uses and activities interface and create a lively, attractive, and safe pedestrian environment. The Mixed Use Corridors are shown in Map 1. Another important site feature in the University Community is the presence of the Burke Gilman Trail. The primary goal is to minimize impacts to views, sunlight and mixed uses while increasing safety and access along the trail.

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

**University-specific supplemental guidance:**

**Context:** Reinforcing the pedestrian streetscape and protecting public view corridors are particularly important site planning issues. Stepping back upper floors allows more unlight to reach the street, minimizes impact to views, and maintains the low- to medium rise character of the streetscape. Roof decks providing open space for mixed-use development can be located facing the street so that upper stories are, in effect, set back.

**Guideline - Solar Orientation:** Minimizing shadow impacts is important in the University neighborhood. The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts onto adjacent public areas between March 21st and September 21st. This is especially important on blocks with narrow rights-of-way relative to other neighborhood streets, including University Way, south of NE 50th Street.

The Board expressed enthusiasm for the open space formed by the “U” shaped structure in Option # 2 due to its size and western exposure. The central court in Option # 3 would function more like a light well than a courtyard.

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

**University-specific supplemental guidance:**

**Context:** Another way to emphasize human activity and pedestrian orientation, particularly along Mixed Use Corridors, is to provide clearly identifiable storefront entries. In residential projects, walkways and entries promote visual access and security.

**Guidelines:**

1. **On Mixed Use Corridors, primary business and residential entrances should be oriented to the commercial street.**
2. **In residential projects, except townhouses, it is generally preferable to have one walkway from the street that can serve several building entrances.**
3. **When a courtyard is proposed for a residential project, the courtyard should have at least one entry from the street.**
4. **In residential projects, front yard fences over four (4) feet in height that reduce visual access and security should be avoided.**

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

**University-specific supplemental guidance:**

**Context:** Pedestrian orientation and activity should be emphasized in the University Community, particularly along Mixed Use Corridors. While most streets feature narrow sidewalks relative to the volume of pedestrian traffic, wider sidewalks and more small open spaces for sitting, street musicians, bus waiting, and other activities would benefit these areas. Pedestrian-oriented open spaces, such as wider sidewalks and plazas, are encouraged as long as the setback does not detract from the “street wall.”

**Guidelines:** On Mixed Use Corridors, where narrow sidewalks exist (less than 15’ wide), consider recessing entries to provide small open spaces for sitting, street musicians, bus waiting, or other pedestrian activities. Recessed entries should promote pedestrian movement and avoid blind corners.

As the design evolves, the designers should recognize the tenants’ dependence upon the use of bikes.

- 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.**

**University-specific supplemental guidance:**

**Context:** There is a severe lack of both public and private open space in the community. Small open spaces—such as gardens, courtyards, or plazas—that are visible or accessible to the public are an important part of the neighborhood’s vision. Therefore, providing ground-level open space is an important public objective and will improve the quality of the residential environment.

**Guidelines:**

1. **The ground-level open space should be designed as a plaza, courtyard, play area, mini-park, pedestrian open space, garden, or similar occupiable site feature. The quantity of open space is less important than the provision of functional and visual ground-level open space.**

2. **A central courtyard in cottage or townhouse developments may provide better open space than space for each unit. In these cases, yard setbacks may be reduced if a sensitive transition to neighbors is maintained.**

The Board generally agreed that the open space formed by the “U” shaped structure would best meet tenant needs. See A-2 guidance.

## **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.**

**University-specific supplemental guidance:**

**Context:** The residential areas are experiencing a change from houses to block-like apartments. Also, the proximity of lower intensive zones to higher intensive zones requires special attention to potential impacts of increased height, bulk and scale. These potential impact areas are shown in Map 4. The design and siting of buildings is critical to maintaining stability and Lowrise character.

**Guideline:** Special attention should be paid to projects in the following areas to minimize impacts of increased height, bulk and scale as stated in the Citywide Design Guideline.

Although individual Board members expressed preferences for design options #2 and #3, the Board as a whole did not direct the applicant to develop a specific schematic option presented at the EDG meeting. The two stacks of units flanking the entrance represent the most problematic aspect of Option #1, the “H” shaped scheme. The deep modulations in the Eighth Ave. façade create unnecessary corner open spaces along an urban street front and appear as awkward projections toward the streetscape. The east elevations of Options #2 and #3 with their masses closer to the property line are considered more successful strategies for an urban building.

## **C. Architectural Elements and Materials**

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

Unlike the other two options, Scheme # 2 has both interior and exterior corridors and stairs for the different halves of the structure. This Board did not object to the idea; however, should the applicant choose to refine Scheme # 2, the architectural features of the exterior circulation will need to be well detailed and presented to the Board at the Recommendation as part of the elevation studies.

The configuration of Option # 3 reduces the most amount of noise of the three options.

- 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.

**University-specific supplemental guidance:**

**Guidelines:**

1. New buildings should emphasize durable, attractive, and well-detailed finish materials, including: Brick; Concrete; cast stone, natural stone, tile; Stucco and stucco-like panels; Art tile; Wood.
2. Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim.
3. The materials listed below are discouraged and should only be used if they complement the building's architectural character and are architecturally treated for a specific reason that supports the building and streetscape character: Masonry units; Metal siding; Wood siding and shingles; Vinyl siding; Sprayed-on finish; Mirrored glass.
4. Where anodized metal is used for window and door trim, then care should be given to the proportion and breakup of glazing to reinforce the building concept and proportions.
5. Fencing adjacent to the sidewalk should be sited and designed in an attractive and pedestrian oriented manner.
6. Awnings made of translucent material may be backlit, but should not overpower neighboring light schemes. Lights, which direct light downward, mounted from the awning frame are acceptable. Lights that shine from the exterior down on the awning are acceptable.
7. Light standards should be compatible with other site design and building elements.

**Signs**

**Context:** The Citywide Design Guidelines do not provide guidance for new signs. New guidelines encourage signs that reinforce the character of the building and the neighborhood.

**Guidelines:**

1. The following sign types are encouraged, particularly along Mixed Use Corridors – Pedestrian oriented shingle or blade signs extending from the building front just above pedestrians; Marquee signs and signs on pedestrian canopies; Neon signs; Carefully executed window signs; such as etched glass or hand painted signs; Small signs on awnings or canopies.
2. Post mounted signs are discouraged.
3. The location and installation of signage should be integrated with the building's architecture.
4. Monument signs should be integrated into the development, such as on a screen wall.

The choice and detailing of materials will be an important consideration of the Board 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.**

**University-specific supplemental guidance:**

**Context:** The University Community would like to encourage, especially on Mixed Use Corridors, the provision of usable, small open spaces, such as gardens, courtyards, or plazas that are visible and/or accessible to the public. Therefore, providing ground-level open space is an important public objective and will improve the quality of both the pedestrian and residential environment.

**Guidelines:**

- 1. On Mixed Use Corridors, consider setting back a portion of the building to provide small pedestrian open spaces with seating amenities. The building façades along the open space must still be pedestrian-oriented.**
- 2. On Mixed Use Corridors, entries to upper floor residential uses should be accessed from, but not dominate, the street frontage. On corner locations, the main residential entry should be on the side street with a small courtyard that provides a transition between the entry and the street.**

In Option #1, the modest open spaces at the northeast and southeast corners would not likely contribute much to the tenants' comfort and pleasure.

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

The solid waste storage area should not front onto Eighth Ave. The Board suggested placing a more active use such as an indoor bike storage area or a dwelling unit between the waste storage area and the street. See Board guidance D-12.

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

The design of proposed gates and fencing around the site will be reviewed at the Recommendation meeting.

**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.**

Given the lack of vehicle parking and the applicant's desire to house university students, the Board observed that the proposal should improve accommodation by sheltering the bikes from the rain and placing these storage areas where they can be accessed easily without requiring owners to carry their bikes up and down stairs. The use of bikes and their storage should be celebrated in the design. It should not be an add-on to the design but rather an integral part of the building and its social life. (DPD staff note: One nearby proposal (MUP # 3012615) has entry gates designed with a bicycle motif.) The Board suggested placing the bike shelter in front of the waste storage area.

## **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.**

Very little information was provided as to the relationship of grade and terrain to the adjacent properties. This will need to be more fully explored. The landscape design must recognize the three neighboring conditions.

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

The landscape architect should endow the open spaces with a special character.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on December 3, 2012.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted the Final Recommendation meeting on September 23, 2013 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

## **Public Comments**

Three members of the public affixed their names to the Recommendation meeting sign-in sheet. No members of the public commented on the proposal.

**A. Site Planning**

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

**University-specific supplemental guidance:**

**Context: Reinforcing the pedestrian streetscape and protecting public view corridors are particularly important site planning issues. Stepping back upper floors allows more sunlight to reach the street, minimizes impact to views, and maintains the low- to medium-rise character of the streetscape. Roof decks providing open space for mixed-use development can be located facing the street so that upper stories are, in effect, set back.**

**Guideline - Solar Orientation: Minimizing shadow impacts is important in the University neighborhood. The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts onto adjacent public areas between March 21st and September 21st. This is especially important on blocks with narrow rights-of-way relative to other neighborhood streets, including University Way, south of NE 50th Street.**

Deliberation at the early guidance meeting focused on the limited size of the central court. During design development, the architect increased the central open space to create a well proportioned and functional courtyard.

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

**University-specific supplemental guidance:**

**Context: Another way to emphasize human activity and pedestrian orientation, particularly along Mixed Use Corridors, is to provide clearly identifiable storefront entries. In residential projects, walkways and entries promote visual access and security.**

**Guidelines:**

- 1. On Mixed Use Corridors, primary business and residential entrances should be oriented to the commercial street.**
- 2. In residential projects, except townhouses, it is generally preferable to have one walkway from the street that can serve several building entrances.**
- 3. When a courtyard is proposed for a residential project, the courtyard should have at least one entry from the street.**
- 4. In residential projects, front yard fences over four (4) feet in height that reduce visual access and security should be avoided.**

The Board described the primary entry as institutional appearing. The metal gate, the low, unprepossessing canopy, and the timber supports contribute to this assessment. The Board recommends that the applicant redesign this entry adding the following suggestions: raise and provide a more expressive design for the marquee and create a more artistic gate. Consider designing the portal, with attention to the heavy timber supports, as an introduction to the project's quiddity or essence, the courtyard, which has a timber structure. The passage from sidewalk to courtyard should celebrate this experiential pedestrian progression with a more creative solution.

The modest use of fenestration along the entire frontage without differentiation of the varying uses behind the façades contributes to the unalluring presence of the ground plane. The metal security fencing in the side setbacks also reinforces the unwelcoming perception that the building exudes at the street frontage.

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

**University-specific supplemental guidance:**

**Context:** Pedestrian orientation and activity should be emphasized in the University Community, particularly along Mixed Use Corridors. While most streets feature narrow sidewalks relative to the volume of pedestrian traffic, wider sidewalks and more small open spaces for sitting, street musicians, bus waiting, and other activities would benefit these areas. Pedestrian-oriented open spaces, such as wider sidewalks and plazas, are encouraged as long as the setback does not detract from the “street wall.”

**Guidelines:** On Mixed Use Corridors, where narrow sidewalks exist (less than 15’ wide), consider recessing entries to provide small open spaces for sitting, street musicians, bus waiting, or other pedestrian activities. Recessed entries should promote pedestrian movement and avoid blind corners.

At the earlier meeting, discussion focused on the accommodation of the tenants’ dependence upon bikes as a significant mode of transportation. Noticing that the preponderance of bike storage occurred in the basement of the current proposal, the Board recommended adding covered bike storage near or within the courtyard. See guidance for D-12.

In order to provide “eyes on the street”, the Board recommended that a residential unit should replace the solid waste storage area at the front of the building. See guidance for D-6.

**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.**

**University-specific supplemental guidance:**

**Context:** There is a severe lack of both public and private open space in the community. Small open spaces—such as gardens, courtyards, or plazas—that are visible or accessible to the public are an important part of the neighborhood’s vision. Therefore, providing ground-level open space is an important public objective and will improve the quality of the residential environment.

**Guidelines:**

- 1. The ground-level open space should be designed as a plaza, courtyard, play area, mini-park, pedestrian open space, garden, or similar occupiable site feature. The quantity of open space is less important than the provision of functional and visual ground-level open space.**

2. A central courtyard in cottage or townhouse developments may provide better open space than space for each unit. In these cases, yard setbacks may be reduced if a sensitive transition to neighbors is maintained.

## **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.

### **University-specific supplemental guidance:**

**Context:** The residential areas are experiencing a change from houses to block-like apartments. Also, the proximity of lower intensive zones to higher intensive zones requires special attention to potential impacts of increased height, bulk and scale. These potential impact areas are shown in Map 4. The design and siting of buildings is critical to maintaining stability and Lowrise character.

**Guideline:** Special attention should be paid to projects in the following areas to minimize impacts of increased height, bulk and scale as stated in the Citywide Design Guideline.

The applicant requested a departure for the maximum length of the portion of the north and south façades within 15 feet of the lot line. The change would lengthen each façade by 4'3" or 4.25 percent. The Board recommended approval of the request. The departure recommendation serves to increase the building mass at the corners.

## **C. Architectural Elements and Materials**

- C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.
- 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.

### **University-specific supplemental guidance:**

#### **Guidelines:**

1. New buildings should emphasize durable, attractive, and well-detailed finish materials, including: Brick; Concrete; cast stone, natural stone, tile; Stucco and stucco-like panels; Art tile; Wood.

2. **Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim.**
3. **The materials listed below are discouraged and should only be used if they complement the building's architectural character and are architecturally treated for a specific reason that supports the building and streetscape character: Masonry units; Metal siding; Wood siding and shingles; Vinyl siding; Sprayed-on finish; Mirrored glass.**
4. **Where anodized metal is used for window and door trim, then care should be given to the proportion and breakup of glazing to reinforce the building concept and proportions.**
5. **Fencing adjacent to the sidewalk should be sited and designed in an attractive and pedestrian oriented manner.**
6. **Awnings made of translucent material may be backlit, but should not overpower neighboring light schemes. Lights, which direct light downward, mounted from the awning frame are acceptable. Lights that shine from the exterior down on the awning are acceptable.**
7. **Light standards should be compatible with other site design and building elements.**

### **Signs**

**Context:** The Citywide Design Guidelines do not provide guidance for new signs. New guidelines encourage signs that reinforce the character of the building and the neighborhood.

#### **Guidelines:**

1. **The following sign types are encouraged, particularly along Mixed Use Corridors – Pedestrian oriented shingle or blade signs extending from the building front just above pedestrians; Marquee signs and signs on pedestrian canopies; Neon signs; Carefully executed window signs; such as etched glass or hand painted signs; Small signs on awnings or canopies.**
2. **Post mounted signs are discouraged.**
3. **The location and installation of signage should be integrated with the building's architecture.**
4. **Monument signs should be integrated into the development, such as on a screen wall.**

Illustrations of the heavy timber supports at the entry and in the courtyard did not depict the joinery and the piece like quality of the assemblage. The architect must develop renderings showing the detailing of the connections. The land use planner will review and approve the design of the heavy timber supports.

## **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.**

**University-specific supplemental guidance:**

**Context:** The University Community would like to encourage, especially on Mixed Use Corridors, the provision of usable, small open spaces, such as gardens, courtyards, or plazas that are visible and/or accessible to the public. Therefore, providing ground-level open space is an important public objective and will improve the quality of both the pedestrian and residential environment.

**Guidelines:**

1. On Mixed Use Corridors, consider setting back a portion of the building to provide small pedestrian open spaces with seating amenities. The building façades along the open space must still be pedestrian-oriented.
2. On Mixed Use Corridors, entries to upper floor residential uses should be accessed from, but not dominate, the street frontage. On corner locations, the main residential entry should be on the side street with a small courtyard that provides a transition between the entry and the street.

The Board noted its satisfaction with the courtyard design's simplicity.

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

In plan, the solid waste storage area and the residential unit to its west must be flipped or switched in order to have a residence at the front of the building. A hallway and door linking the storage area to the front of the building for pick-up days is permissible. Due to the need for a corridor wide enough to accommodate dumpsters, the storage area may need to shrink in size. The Board recommends a departure for the storage area's size if the applicant needs it.

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

The perimeter of the site should possess high quality wood fencing. The style may vary; however, no chain link fence or gate should be installed.

- 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.**

Noting the lack of bicycle accommodation at street level, the Board recommended adding covered bike parking near the perimeter of the courtyard.

**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.**

At the previous meeting, the Board asked the applicant to provide more information about the relationship of grade and terrain to the adjacent properties. The issue did not elicit discussion during the Recommendation meeting.

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

The Board did not suggest changes to the overall landscaping plan.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the September 23rd, 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 September 23rd public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members present unanimously recommended approval of the subject design.

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

- 1) Redesign the front entry with a more a creative solution. Consider the following suggestions: raise and provide a more expressive marquee and create a more artistic gate. Give more design attention to the heavy timber supports as an introduction to the courtyard. (A-3)
- 2) Add covered bike storage near or within the courtyard. (A-4, D-12)
- 3) Develop renderings showing the detailing or connections of the heavy timber supports. The land use planner will review and approve the design. (C-4)
- 4) Locate a residential unit at the front of the building in place of the solid waste storage area. Relocate the solid waste storage area to sit behind this unit with a separate corridor to the front of the building to enable garbage and recycling pick-up. (A-4, D-6)
- 5) Design a high quality wood fence for the site’s perimeter. The style may vary; however, no chain link fence or gate should be installed. (D-7)

**DEVELOPMENT STANDARD DEPARTURES**

The Board’s recommendation on the requested departure(s) are 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).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Structure width and façade length SMC 23.45.527B.1	The maximum combined length of all portions of all facades within 15’ of a lot line that is neither a rear lot line nor a street or alley lot line shall not exceed 65% of the length of that lot line.	Increase the façade length on the north elevation by 4’3” (an increase of an additional 4.25% of the overall length).	<ul style="list-style-type: none"> <li>▪ Additional length would create a larger more useable courtyard. (A-7)</li> </ul>	Approved

2. Structure width and façade length SMC 23.45.527B.1	The maximum combined length of all portions of all facades within 15' of a lot line that is neither a rear lot line nor a street or alley lot line shall not exceed 65% of the length of that lot line.	Increase the façade length on the south elevation by 4'3" (an increase of an additional 4.25% of the overall length).	<ul style="list-style-type: none"> <li>▪ Additional length would create a larger more useable courtyard. (A-7)</li> </ul>	Approved
3. Solid Waste Storage SMC 23.54.040A	375 square feet plus four square feet for each additional unit above 50. 59 units total. $9(4)+375=411$ sq. ft.	The applicant requests a reduction in the solid waste storage area totaling 21.4 s.f. for a total area of 389.6 s.f.	<ul style="list-style-type: none"> <li>▪ Recognizing that moving the solid waste storage area away from the front of the building (Condition #4) will require an internal hallway, the Board will accept a departure for the size of the solid waste storage area. (D-6)</li> </ul>	Approved

**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.

**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 November 28, 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 10 feet and will consist of an estimated 1,000 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 16 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. In order to minimize adverse impacts, the applicant will need to provide a construction worker parking plan to reduce on-street parking. 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 750 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. Another 250 cubic yards of fill will be brought to the site. Excavation and fill activity will require approximately 100 round trips with 10-yard hauling trucks or 50 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, and parking impacts.

### 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

A review by the Department of Neighborhoods determined that the existing structures, built in 1904 and 1905, and determined that it is unlikely, due in part to a loss of integrity, that it would meet the standards for designation as an individual landmark.

### Transportation

According to the transportation consultant, William Popp Associates, the 59 dwelling unit apartment building would likely generate 245 average daily vehicle trips (accounting for the loss of trips generated by the two single family house) with 23 trips occurring in the PM peak hour. DPD staff believes, based on experience with similar projects in the project vicinity, that the ADT may be somewhat smaller than estimated by the consultant due to propinquity of transit, the likelihood that a substantial number of residences will be students enrolled at the nearby University of Washington and the presence of a robust commercial district. DPD does not anticipate that the impacts to level of service on nearby streets would be significant. No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

### Parking

The development site lies within the University District Northwest Urban Center which, based on the Land Use Code section 23.54.015, does not require residential off-street parking. The applicant does not propose tenant parking.

The transportation consultant estimates in their memo to DPD (dated April 19, 2013) that the estimated peak parking demand could range between 21 and 48 vehicles. The report states that a parking rate of under .5 vehicles per unit (60 units was their count) would likely generate an estimated demand for 20 and 30 vehicles spaces. A survey of the neighborhood indicates that there are no public use parking lots within 800 feet of the site. The neighborhood streets would have to accommodate the parking demand generated by the proposal.

## **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*

- 1) Redesign the entry with a more a creative solution. Consider the following suggestions: raise and provide a more expressive design for the marquee and design a more artistic gate. Give more design attention to the heavy timber supports as an introduction to the courtyard.
- 2) Add covered bike storage near or within the courtyard.
- 3) Develop renderings showing the detailing or connections of the heavy timber supports. The land use planner will review and approve the design.
- 4) Locate a residential unit at the front of the building in place of the solid waste storage area. Relocate the solid waste storage area to sit behind this unit with a corridor to the front of the building to enable garbage and recycling pick-up.
- 5) Design a high quality wood fence for the site's perimeter. The style may vary; however, no chain link fence or gate should be installed.

### *Prior to Commencement of Construction*

- 6) 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*

- 7) 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*

- 8) 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 five 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*

- 9) 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*

- 10) Attach a copy of the PSCAA demolition permit to the building permit set of plans.
- 11) A construction traffic management plan shall be submitted to DPD and SDOT prior to the issuance of the permit. 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

- 12) 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.
  
- 13) 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.
  
- 14) Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
  
- 15) Non-noisy activities, such as site security, monitoring, and 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) Date: October 10, 2013  
Bruce P. Rips, AAIA, AICP  
Department of Planning and Development