



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 3015747  
**Applicant Name:** Andrew Russin for Martin Squared LLC  
**Address of Proposal:** 1141 Martin Luther King Jr. Way South

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow a four-story, mixed-use building containing 41 residential units, 6,091 square feet of commercial space at ground level and below-grade, 27 parking spaces in a below-grade and at-grade garage. The existing building is to be demolished. Project also includes 2,277 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 July 3, 2014.

**PROJECT DESCRIPTION**

The applicant proposes to design and construct a four-story, mixed use building with 41 residential units, 6,091 sq. ft. of commercial space at ground level and below –grade level, and 27 parking spaces in a below and at-grade garage accessed from the alley.

The applicant provided illustrations of three basic massing options. Scheme A, “L-Shape”, anchors the MLK Way and E. Union corner with a commercial use and a projecting upper level residential mass that accentuates the ground floor retail/office and live/work units. A residential entry on E. Union connects the streetscape to the circulation tower at the intersection of the two wings. The L-shape massing forms an open area at the southwest corner of the site along the alley. An enclosed garage entry and ramp leading to a below grade parking area comprises a portion of the open area. A terraced garden would sit above the enclosed garage ramp.

The building program for Scheme B consumes most of the site. Open space for the most part occupies the roof top. The three floors of upper level residential units facing east and west are arranged along a double loaded corridor. In this scheme, the residential floors project over the ground floor level. The residential and garage entries are in a similar location to Scheme A. Scheme C forms an U-shape with the open space facing west. Combined with an upper level setback, the massing provides some relief for the adjacent townhouses. The garage entrance off the alley shifts closer to MLK Way than the other schemes.

By the Recommendation meeting, the applicant had refined Scheme A to include a raised exterior court above the garage entry and reduced the emphasis on horizontal datum lines delineating the tripartite scheme of bottom, middle and top.

### Site & Vicinity

Located within Seattle’s Central District, the 14,309 sq. ft. nearly square site fronting onto the southwest corner of East Union St. and Martin Luther King Junior Way slopes approximately eight feet toward the center of the site. An alley forms the site’s southern perimeter, representing an appropriate means of vehicular access. The property does not contain a mapped environmental critical area. The two parcel site houses a two-story wood framed apartment building constructed in 1901.

The E. Union and MLK Way intersection possesses a mix of uses and architectural sensibilities promoting a neighborhood pedestrian orientation. The largest development in the immediate vicinity, the Grocery Outlet, belies this character with its parking lot situated between the two streets and the structure. The rest of the neighborhood has a mix of single family houses, townhouses, two and three story apartment buildings and small commercial establishments facing the two arterials.

The two streets link several neighborhoods. E. Union connects Capitol Hill to Madrona and MLK runs from Madison Valley to the Rainier Valley and beyond.

The site possesses a zoning classification of Neighborhood Commercial Two with a 40 foot height limit (NC2 40). The NC2 40 zone forms a small node on the south side of E. Union St. between 29<sup>th</sup> Ave and the site’s west property line. Multi-family Lowrise One and Two (LR1, LR2) zones flank E. Union from 29<sup>th</sup> Ave to a larger NC2 corridor along E. Union from 25<sup>th</sup> Ave. to 18th Ave. The still larger surrounding vicinity possesses a Single Family 5000 zone classification

## **ANALYSIS - DESIGN REVIEW**

### **Public Comments**

Twelve members of the public affixed their names to the Early Design Review meeting sign-in sheet. The speakers raised the following issues:

#### *Landscaping / Right of Way*

- The E. Union right of way has great potential for interesting landscaping.
- How is the pedestrian experience realized? How does the streetscape engage with the properties to the west and south?
- Pay attention to how the spaces in front of the live/work units interact with the streetscape.
- Use the 30' right of way to address stormwater management issues.
- Ensure the installation of the garden on top of the building with solar panels.
- Do more to address the corner of the building at E. Union and MLK Way.

#### *Built Form / Massing*

- Prefers Option A with its south facing courtyard and urban street wall.
- Use a pitched roof instead of making the project a flat box.

#### *Aesthetics*

- Design the structure to be sympathetic to the bungalows and craftsman style houses in the neighborhood.
- Don't use bright colors. Make the building fit gracefully into the neighborhood.

#### *Other*

- Board judgment should not be made for the departures until further refinement of the project.
- The project needs more density. The neighborhood needs more people.
- The lower density floor area ratio is appealing as it accommodates a large amount of green space.
- The project needs more parking spaces. Parking spillover will negatively impact the neighborhood.

DPD received several letters commenting on the proposal. The writers asked that the project contain more parking, avoid exiting from the alley onto MLK Way and increase the sidewalk widths. Letters also requested less height and a design more in keeping with the style of the surrounding neighborhood.

## **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".

## **PRIORITIES**

### **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.**

The “L-shape” option with its southwest facing courtyard and street wall received Board commendation. The other schemes appeared less suitable for the site.

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

Attributes of the facades facing the two streets should include generous amounts of transparency and building form that engages the pedestrian.

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

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

The storefront design and the landscaping along the rights of way, especially along E. Union, should serve to enhance the pedestrian sphere: large storefront windows, a welcoming residential entrance, space for congregating, and a visible and functional corner.

- 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.**

Two of the departure requests impact the adjacent townhouses. Discussed in guidance B-1 below and in the departure section near the end of this report, the requests, if the applicant continues to pursue, should be further analyzed for the Board.

- 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.**

As the design for the courtyard evolves, consider accessibility issues as the steps may prohibit use of portions of the garden. Also, decide whether the ground floor units directly facing the courtyard have private gardens associated with the entries.

- A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

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

Enhance the corner, especially at the ground level, to create a pleasing environment for pedestrians and to anchor this visible intersection.

## **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.**

The Board endorsed the “L-shape” scheme after questioning the applicant. Two of the four requested departures (extending the massing) at the proposal’s northwest corner may impact the adjacent townhouses. The building’s relationship to these townhouses may be improved if the south elevation and southwest corner of the northern leg of the “L” were set back at level four to allow greater solar exposure from the south. At present the floor plans project toward the courtyard, or south, as the building rises. The Board asked for more analysis of the relationship between the two departures and the townhouses to justify the requests. Provide realistic sections, an overlay of window placement and diagrams to assist in explaining the need for the departures.

## **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.**

Discussion focused on building styles given the plethora of early 20<sup>th</sup> century homes and modest walkup townhouses and apartment buildings nearby. The Board did not choose to convey opinions about roof forms and potential material choices. As one citizen stated at the meeting, the building should fit gracefully into the neighborhood. The Board came to understand that the images in the EDG packet (pp. 18-19) represent an extension of the massing studies and not necessarily the character of the materials, color or detailing of the cornice and projecting bays.

- 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.**

As the building design evolves, this guideline increases in importance. The Board will focus closely on project compliance.

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

The photos in the back of the packet illustrating mixed use and townhouse projects completed by The Madrona Co. convey a cognizance of providing human scale detail at the ground level.

- 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.**

See guidance for C-1.

## **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.**

At the meeting, the nature of the E. Union and MLK corner open space and its relationship to the building lacked design exploration. A well-designed corner and its capacious conterminous E. Union right of way will contribute to the future success of the building and the intersection.

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

- D-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 location of the solid waste storage area directly off the alley appears appropriate. Ensure that the west wall facing the courtyard visually complements the communal courtyard.

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

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

By the Recommendation meeting, provide a concept signage plan for the commercial uses.

- D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

Provide exterior lighting along the street frontages and within the courtyard to ensure safety and to enhance the pedestrian realm. Provide a concept lighting plan by the Recommendation meeting.

- 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.**

Design the live/work units to possess the storefront characteristics of commercial uses. The storefront assemblages for the commercial use and the live/work ought to appear seamless.

- 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.**

Create a clear relationship between the primary residential entrance on E. Union and the broad sidewalk and planting strip.

## **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.**

In the concept drawing for the landscaping, the sidewalks do not directly adjoin the properties to the west and south across the alley. The transition between the properties will need to be obvious and serviceable to ensure pedestrian ease.

- 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.**

By the Recommendation meeting, provide sections and elevations of the courtyard particularly of the terracing above the garage ramp. The garden has three elements the pathway circumnavigating it, the seating area and the terrace above the garage ramp. Illustrate the terrace walls and the how the courtyard functions.

- 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 wide right of way along E. Union St possess great potential for creating public space and developing a garden that complements the building and its functions along the street frontage. The concept design appears, at least in two-dimensions, more static than the Board's aspirations. As noted by the landscape architect, Union St. contains signs of an emerging (and interesting) landscape corridor. The Chloe on the corner of 14<sup>th</sup> Ave owns a relatively sophisticated court anchored by restaurants; the small commercial node at 21<sup>st</sup> Ave has playful sculptures and landscape furniture in the right of way endowing the intersection with personality. The design of the subject corner and the E. Union right of way in front of the building ought to further enhance the E. Union renaissance.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with Design Review and SEPA components on October 7, 2015.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation Meeting on April 8, 2015 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 Comment**

Three members of the public affixed their names to the Recommendation meeting sign-in sheet. The speakers raised the following issues:

- The building is out of scale with the neighborhood. It is too tall, will cast shadows on the adjacent residential buildings and block light. All of the adjacent buildings are setback further from the street. The proposed building is not neighborly.
- The developer has done quality projects generally with whimsical attributes.
- Supports the departures especially the one specifically related to storefront heights.
- The projecting bay windows on the west side don't seem to fit the language of the overall building.
- It's already too dark in the area. The building will cast shadows.
- The natural landscape is a valley. The area suffers from less light. The proposed building will be out of scale and too tall.

## **PRIORITIES & BOARD RECOMMENDATIONS**

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

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

### **A Site Planning**

- A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**
- A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**
- A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**
- A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.**

- A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The upper level box bays projecting into the west upper level setback did not receive Board support. See discussion at B-1.

The slightly set back, one-story commercial mass, which also required a departure request, appears demur in relationship to the adjacent townhouses and introduces the set of storefronts that anchor the corner. The Board recommended approval of a departure for the placement of this element.

- 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.**

See discussion at guideline E-2.

- A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

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

The chamfered corner of the storefronts appears deftly handled as it provides a slight amount of extra walkway and eases the pedestrian transition between streets. See B-1 for discussion of the upper levels.

## **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.**

Deliberation focused on both the corner massing at MLK Way and E. Union St. and the projecting bays on the west elevation facing the adjacent townhouses. The Board recommends a more prominent corner allowing for a slightly raised parapet or wall to distinguish it. Placement of a reveal on the upper east façade could also distinguish the corner massing as well as a change in color. Other techniques could also place more emphasis on the corner.

The projecting wood, box bays on the west elevation above the second level courtyard, which would require a departure from the zoning code, possess an aesthetic or language variant from the rest of the building. The Board voted to deny the departure request and recommended their removal.

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

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

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

Advising the staff planner to work with the developer from here on out, the Board recommended a simplification of colors, a clear and coherent architectural language and minimal changes in materials.

**C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The storefronts, as presented, possess exposed concrete with horizontal scoring and wood frames around the large windows. The commercial tenants, according to the developer, would have the ability to paint the wood in colors appropriate to their businesses. The developer's mixed use building in Madrona (Bowling Green) has this very attribute. The Board noted its reluctance at the idea of the possibility of a cacophony of colors at the street level and recommended that the developer offer the tenants color options from a common palette.

## **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.**

An entry off the alley leads to basement commercial space. The Board requested that the canopy over the alley door remain a part of the project and that the security of the area be ensured by adequate lighting.

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

**D-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.

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

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

The applicant provided a concept signage plan for the commercial uses. No comments regarding the signage were offered.

**D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

The applicant provided cut sheets and a diagram of exterior lighting. The Board did not comment on the information.

**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.

The presentation of a semi-cylindrical, fabric canopy at the residential entrance on E. Union St. troubled the Board members as it appeared at odds with the language of a loft style structure. The Board recommended design of an entry canopy more in keeping with the style of the building.

## **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.

The proposed landscaping along the right of way received much praise.

**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.

No changes to the landscape design at the second level court were introduced.

Both the Board and the applicant appeared confused by whether the Board could recommend landscaping to the roof though the roof deck is not a code requirement. The guideline above is general enough that even spaces not required by the code are subject to design review. In this case after a clarification by the staff planner, the Board did not require revisions to the roof deck.

**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.**

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the April 8th, 2015 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 April 8th 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 and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Setback Requirements SMC 23.47A.014B.1	15 by 15' triangle setback at side yard abutting a residential zone.	31 sq. ft. of a one-story commercial mass encroaches into the triangular setback.	<ul style="list-style-type: none"> <li>The one-story storefront façade provides a better transition between adjacent townhouses and commercial storefronts</li> </ul>	Approved
2. Setback Requirements. SMC 23.47A.014B.3.a	15' setback at side yard above 13' in height to a maximum of 40' abutting a residential zone.	Three bays encroach 4' into setback for a total of 186 sq. ft.	<ul style="list-style-type: none"> <li>Bays allow some windows to face the street rather than face directly to the adjacent townhouses for better privacy.</li> </ul>	Denied
3. Setback Requirements. SMC 23.47A.014B.3.b	For structures above 40' an additional set back at the rate of 2' of setback for every 10' by which the height of such portion exceeds 40'.	Structure encroaches 15" into the setback at the roof level.	<ul style="list-style-type: none"> <li>Allows the building's west wall to be aligned and straight.</li> </ul>	Approved
4. Setback Requirements. SMC 23.47A.014E.1.a	Decks with open railings may extend into the required setback but are not permitted within 5' of a lot in a residential zone.	Parapet guard is 2' from the property line.	<ul style="list-style-type: none"> <li>Along with adjacent landscaping, the parapet guard will provide privacy screening for the adjacent neighbors.</li> </ul>	Approved
5. Structure Height SMC 23.47A.012A.1.a	13' floor to floor height at street level commercial.	At the NE corner of the structure three commercial units have between 12 and 12.8' floor to floor heights.	<ul style="list-style-type: none"> <li>In order to maintain a common floor level due to the incline of the grade, the storefront heights will be a maximum of 1' less than the required 13'.</li> </ul>	Approved

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

- 1) Design a more prominent corner using potential techniques such as a slight raised parapet or wall, placement of a reveal on the upper east façade, or a change in color among others. (B-1)
- 2) Remove the non-code complying, wood, box bays on the west elevation above the second level courtyard. (B-1)
- 3) Ensure simplification of colors, a clear and coherent architectural language and minimal changes in materials. (C-2).
- 4) Offer the commercial tenants paint colors from a common palette for the storefronts. (C-4)
- 5) For the pedestrian entry off the alley ensure the construction of a canopy and the area's security by providing adequate lighting. (D-1)
- 6) Revise the entry canopy at the primary residential entrance on E. Union to appear more in keeping with the loft style of the building. (D-12)

### **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 October 2, 2014. 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 is an analysis of 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 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. Although there is adjacency to residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts.

### 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 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. Excavation will consist of an estimated 2,277 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

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 2,277 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 228 round trips with 10-yard hauling trucks or 114 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.

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; demolition of older structures, 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, 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

A review by the Department of Neighborhoods determined that the apartment structure is unlikely, due in part to a loss of integrity, to meet the standards for designation as an individual landmark.

### Parking and Traffic

Based on the applicant's proposed 41 dwelling units and the 6,091 sq. ft. of commercial space including music practice rooms, the parking supply of 27 vehicles spaces should accommodate the parking demand. Residential and commercial uses would share parking during daytime hours. The applicant's parking utilization analysis indicates that 50 to 55 unused on-street parking spaces would sufficiently capture any potential spillover. The neighborhood streets have the capacity in the evenings, when demand is highest, to accommodate the parking demand generated by the proposal.

No SEPA mitigation of parking impacts is warranted.

### Summary

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

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the 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. Design a more prominent corner using techniques such as a slight raised parapet or wall, placement of a reveal on the upper east façade, or changes in color among others.
2. Remove the non-code complying, wood, box bays on the west elevation above the second level courtyard.
3. Ensure simplification of colors, a clear and coherent architectural language and minimal changes in materials.
4. Revise the entry canopy at the primary residential entrance on E. Union to appear more in keeping with the loft style of the building.

### *Prior to Commencement of Construction*

5. 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 a Certificate of Occupancy*

6. 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.
7. For the pedestrian entry off the alley ensure the construction of a canopy and the area's security by providing adequate lighting.
8. Select a common palette of paint colors for the commercial tenants' storefronts.

*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**

*During Construction*

10. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

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: retagonzales-cunneutabby for \_\_\_\_\_ Date: May 18, 2015  
Bruce P. Rips, AAIA, AICP  
Department of Planning and Development

BPR:rgc  
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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.