



City of Seattle
Edward B. Murray, Mayor

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: 3016985
Applicant Name: Bradley Khouri, b9 Architects
Address of Proposal: 1228 5th Avenue North

SUMMARY OF PROPOSAL

Land Use Application to allow 4, 3-story structures containing 10 townhouse units in an environmentally critical area. Parking for 10 vehicles to be provided below and at grade. Existing structures to be demolished. Environmental Review includes future Full Unit Lot Subdivision.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with, Departures:

Development Standard Departure to allow greater façade length along the north property line (SMC 23.45.527.B.)

Development Standard Departure to allow greater façade length along the east property line (SMC 23.45.527.B.)

Development Standard Departure to allow a reduction in building separation between buildings 2 and 3 (SMC 23.45.518.F.)

Development Standard Departure to allow a reduction in building separation between buildings 1 and 6 (SMC 23.45.518.F.)

Development Standard Departure to allow a reduction in building separation between buildings 8 and 9 (SMC 23.45.518.F.)

Development Standard Departure to allow a projection into the side setback along the east property line (SMC 23.45.518.I.)

Development Standard Departure to allow a deck to project into the side setback (SMC 23.45.518.I.)

Development Standard Departure to allow an arbor in a building separation at a height and size greater than permitted (SMC 23.45.518.J.9.a.)

Development Standard Departure to allow a reduction in side setback at the north property line (SMC 23.45.518.H.)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Site and Vicinity

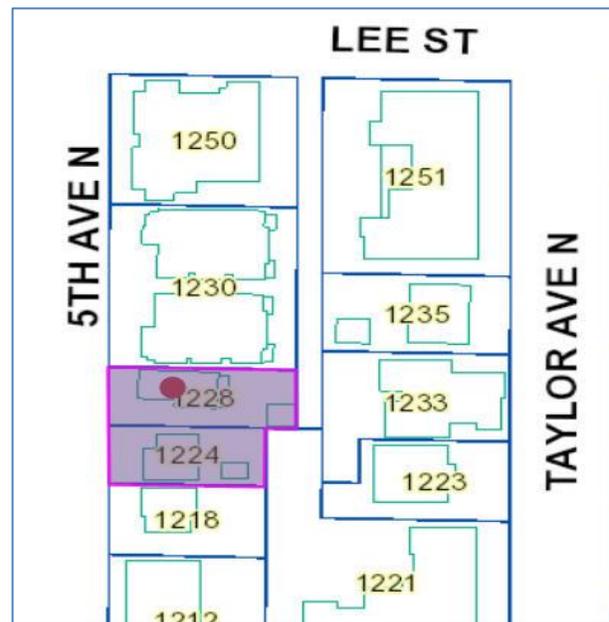
Site Zone: Lowrise 3 (LR3)

Nearby Zones: (North) LR3
(South) LR3
(East) LR3
(West) LR3 and Single Family 5000 (SF5000)

Lot Area: 9,900 square feet

Current Development:

The subject site includes two single-family structures. The existing structures are proposed for demolition.



Surrounding Development and Neighborhood Character

Surrounding development consists primarily of residential uses including four-story multiple-family structures, low rise apartments, townhomes, and single-family structures. Directly west of the project site is Bhy Kracke Park. The site and neighborhood slope from west to east and from north to south.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: August 20, 2014

DESIGN PROPOSAL

The Early Design Guidance (EDG) Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The booklet is also available to view in the DPD file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

The applicant presented three schemes. The first showed two rows of 5 connected townhouses, rectangular in shape and their short sides running in a north/south direction aligned parallel to 5th Avenue N. There was a central courtyard between the townhouse clusters. A second scheme proposed 10 townhouses in 3 structures. As in scheme #1, five of the townhouses were ganged parallel to 5th Avenue N. at the western portion of the site with three of the townhouses similarly ganged behind and parallel to the front row. The townhouse located at the northeast corner, however, was pushed to the west with the townhouse that had been located to its south turned, its short sides running in an east/west direction, creating three separate structures rather than two. This allowed the courtyard amenity area to expand and to occupy, basically, the portion of the site which in the first scheme had been occupied by the townhouse which had been rotated to occupy the northeast corner of the site.

The third and preferred scheme split the front row of townhouses into two structures, the northernmost containing two townhouses separated from the lower group of three by a relatively narrow passageway that led into a central courtyard. At the rear of the site three of the units were separated from the other two and arranged in a pinwheel fashion about the central courtyard. The pinwheel was made more evident in a gesture that pulled the townhouse in the southeast corner away from the neighbor adjacent to that corner to provide for better privacy, and access to light and air. This arrangement was thought to maximize the amount of internal open space and to provide a face to 5th Avenue N. that was better scaled to the neighborhood and one that better engaged Bhy Kracke Park which lay directly across the street. The gesture required for this configuration, however, would require 4 departures from development standards, including two from required maximum façade lengths, one from minimal side setbacks at the northwest corner of the site, and one from minimum separation between the structures on site.

PUBLIC COMMENT

Public comment tended to focus on environmental impacts rather than design issues. In relating to the siting of the buildings, and in response to departure requests affecting setbacks of the individual buildings, there were concerns expressed about privacy and designing windows with a respect for windows on neighboring structures, as well as impacts on sun light and air relative to siting choices. Regarding neighborhood character, one member of the public stated that the prevailing architectural style was “craftsman,” and that what the design team was presenting was not in step with that style.

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.

EARLY DESIGN GUIDANCE (AUGUST 20, 2014)

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.

1. **Siting:** The Board generally responded favorably to the pin-wheel arrangement of units, to the concepts of a central courtyard serving all the units, and the open passageway that linked the internal courtyard with 5th Avenue North and suggested a connection to Bhy Kracke Park across the street. The Board expressed approval of the way the development had pulled itself back from the southeast corner of the site to provide additional light and air and privacy to the neighbor to the south. It did not respond favorably to the proposed departure request that would allow the structure in the northwest quadrant of the site to be located closer to the north property line than the Code would allow.
2. **Court Yard Design:** At this juncture, the concept for the courtyard in the preferred scheme, while preferable to those in the other schemes due to its size, centrality and potential for relating to each of the individual units in enriching ways, is a bit nebulous. The nebulosity at this stage of design is understandable and should be regarded as an asset since it allows for a certain malleability and flexibility as the design is developed. Critical to the success of the overall design of the project is providing a courtyard that is serviceable and attractive. But neither the functionality or attractiveness or quantity of the proposed amenity area would justify the intrusion into a comfortably desired buffer zone between the project and the abutting neighbors. The Board was clear that they would not favor a departure allowing less than a Code-required north side setback. It was the Board’s view that a commodious courtyard is compatible with adequate buffers for light, air, and privacy at the north and south boundary lines. The desirable accommodations to neighbors was possible through a combination of adjustments in the size and shape of units and to the proposed, amenity spaces.

3. **Relationship of proposal to Bhy Kracke Park:** The Board responded favorably to the pedestrian access to the common amenity area situated between the second and third townhouse units along 5th Avenue N. It appeared to be located in about the right position, would need care to assure that it had adequate daylight (and additional lighting for dark conditions). The narrowing of the throat of the passage at the stair would appear to work, but it was of particular importance to avoid the severity of blank walls along units two and three, and to provide landscaping and windows into the units to enliven the space. The pedestrian access at this point offered some, though limited, views across to the park, and provided, with other gestures, an opportunity to link the development more broadly and more meaningfully to the park across the street.

The granting of the departure requests for increased façade lengths along the north and southeast facades was not of particular concern for the Board, except for the north façade where, when combined with the departure request for a decreased width in the side setback, infringement on the north neighbors' air, light and privacy was thought by the Board to be excessive. Given a realignment of units to provide for an adequate setback at the northwest unit, the Board appeared inclined to look favorably on the departure for façade length along the north property line. Allowing for a separation between townhomes #2 and #3 of less than 10 feet, which would also require a departure, could be approved by the Board, provided the considerations mentioned under Courtyard Design (#2 above)—for light, for some fenestration, for mitigation compensating for the blank walls and generating a positive pedestrian experience -- was convincingly demonstrated.

Regarding the requested departure for the porch that would serve townhouse units #1 and #2, which would be located only three feet from the west property line, the Board indicated that they were favorable to the departure, provided the porch appeared permanent and of high quality and sound structural design, integrated with robust landscaping.

The Board was not convinced of a prevailing "Craftsman character" in the neighborhood as had been suggested by a member of the public attending the meeting, and indicated that the massing proposed on site, with some adjustments, as well as the contemporary architectural expression suggested in the drawings were appropriate in scale, form and style in the immediate neighborhood. The buildings should be modern and sleek and constructed of high quality materials. The roof, since it would be viewed from the high elevation at the opposite end of the park, should be composed in such a way that it acknowledged some relationship to the park.

The Board reacted favorably to the variation in parapet heights of the units suggested in some of the drawings and directed that the design team should explore a stepping-down of the floors in the units as they progressed from north to south.

KEY CONSIDERATIONS

Emanating from the discussion, the following key considerations emerged as the consensus guidance of the Board:

1. An ample courtyard amenity space, together with adequate and Code compliant peripheral setbacks from property lines and neighboring structures should be able to be achieved through the manipulation of the sizes, shapes, and positioning of the individual townhouse units.

2. The Board would be most reluctant to recommend granting a departure for reducing the Code-compliant setback at the northwest portion of the development site.
3. The requested departures for exceeding façade length along the north property line and the lower portion of the east property line seemed reasonable requests, given the design intent, provided that the design team supply the Board with detailed studies of favorable relationships to assure for privacy and comfort to openings on the adjacent buildings located to the north and the south of the proposed development.
4. The departure for requiring less than a ten foot separation between townhouse #2 and #3 to provide for a passage between the sidewalk and courtyard would be entertained, as long as the design team could convincingly demonstrate that the passageway would offer a felicitous experience to both tenants and visitors traversing the space.
5. The character and attractiveness of the interior courtyard space needed to be demonstrated in convincing detail.
6. The modulation suggested at the parapet level, differentiating individual townhouse units, was considered a positive feature in the early design, but the Board would like to see a further investigation of what might be the benefits of stepping down the ground floor plates of the individual units in response to the change in topography as the site stepped down from north to south, providing for even greater unit differentiation.
7. The requested departure which would be required to allow the porch shared by units #1 and #2 to be situated less than required from the front property line was looked upon favorably by members of the Board, but the Board would like to see the stair and porch in more detail and would like to see a design that clearly integrated porch and entries into the architectural language of the buildings and into a robust landscaping plan for the entire 5th Avenue N. frontage.
8. Finally, the design team was challenged by the Board, without further specific details, to make a more deliberate and conscious effort to relate the proposal, both architecturally and in its landscaping programming, to the presence of the park directly across the street.

FINAL RECOMMENDATION MEETING: May 20, 2015

DESIGN DEVELOPMENT

In response to the Early Design Guidance (EDG), the applicant described how the design concept for the preferred scheme had been further developed. The applicant specifically addressed the existing trees within the right-of-way, structure height, privacy, and parking.

The central plaza within the development contained site furnishings, landscape planters, and a variety in paving patterns and textures. Canopies, porches, and lighting were proposed along the streetscape. To respond to the neighborhood context, the structures were further modulated and shortened to preserve privacy and light and air.

PUBLIC COMMENT

The following comments were expressed at the Recommendation meeting:

- Supported the reduced setback on Unit 7 at the first and second floor toward the north property line;

- Supported the modulation of the structures to preserve views from the development to the north;
- Concerned about safety along 5th Avenue North;
- Concerned about the perpetual maintenance of on-site landscaping;
- Concerned the site contains too many units;
- Concerned about the location of the windows on the south façade of Units 5 and 10;
- Requested that windows on the south façade of Units 5 and 10 be moved to avoid overlap;
- Supported the color on the south façade of Units 5 and 10; and
- Concerned density is not compatible with the neighborhood context.

PRIORITIES & BOARD RECOMMENDATIONS

FINAL RECOMMENDATIONS (MAY 20, 2015)

- 1. Public Life and Streetscape.** The Board supported the location of the central, shared walkway finding it related well to the park across the street.
 - a. To further enhance the central, shared walkway, the Board recommended a condition that an exterior lighting plan be included in the Master Use Permit. The Board recommended focused downlights. Lighting should be at lumens and levels high enough so that a person using the walkway could easily identify another person using the same walkway.
 - b. The Board agreed the arbor was a successful feature, clearly identifying the central, shared walkway and emphasizing a vista from the internal courtyard to the Bhy Kracke Park to the west.
 - c. The area between the sidewalk and the porches was discussed at length. The Board was concerned that this area felt like a pass through, and less like a place for interaction. With the goal of activating this space, the Board recommended a condition to further developed this amenity area using seating, planters, landscaping and/or some other design response.
- 2. Courtyard and Architectural Concept.**
 - a. The central courtyard contained elements such as seating and landscaping. The Board agreed this was a successful design. To enhance the space, the Board recommended a conditioned that the tree at the center of the courtyard be better integrated into the courtyard's landscape concept. The planter should be flush with the ground or taller and larger.
 - b. The Board agreed the massing and site planning responded well to the EDG guidance and public comment. The Board commended the architect for an appropriate response (PL2-B, PL3-A, PL3-C, DC4-C).
 - c. The location of a window on the south façade of Unit 10 results in a slight overlap with a window on the north façade of the adjacent structure to the south. The Board recommended a condition that this window be adjusted in size or location to avoid direct overlap.

The Board supported the materials and colors proposed, agreeing that the materials were a good response to the EDG guidance (CS3-I, DC2-D, DC4-D).

DESIGN GUIDELINES

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

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-D Height, Bulk, and Scale

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. 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.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departures.

At the time of the Recommendation meeting, the following departures were requested:

1. **Façade Length, North (SMC 23.45.527.B.):** The Code permits a maximum façade length of 65% of the lot depth. The applicant proposes an increase in the façade length to 68% (a three-foot, seven-inch increase).

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that greater façade length results in the perception of a reduced scale, creates additional modulation, and allows for a larger, more usable courtyard (CS1-B, CS2-D, PL1-B, DC2-A).

2. **Façade Length, East (SMC 23.45.527.B.):** The Code permits a maximum façade length of 65% of the lot depth. The applicant proposes an increase in the façade length to 88.0% (a ten-foot, nine-inch increase).

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the varied setback results in a better scaled project response to existing adjacent development (CS1-B, CS2-D, DC2-A).

3. **Building Separation, Between Units 2 and 3 (SMC 23.45.518.F.):** The Code requires a minimum ten-foot separation between structures. The applicant proposes a separation of an average separation of 4-feet, 2-inches; 5- and 2-foot average and 4-inch minimum.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that a central walkway best responds to Bky Kracke Park to the west, and provides privacy to adjacent structures to the north and south (CS2-D, CS3-A, PL1-B, PL3-A, DC3-A).

4. **Building Separation, Between Units 1 and 6 (SMC 23.45.518.F.):** The Code requires a minimum ten-foot separation between structures. The applicant proposes a reducing this separation a maximum of 1-foot, 2 7/8-inch for a minimum of 8-feet, 9 1/8-inches at the second and third floors.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that reduced building separation is an appropriate response to the sloping topography of the site, and is balanced by an increased setback at ground level (CS1-B, CS2-D, PL1-B, DC2-A).

5. **Building Separation, Between Units 8 and 9 (SMC 23.45.518.F.):** The Code requires a minimum ten-foot separation between structures. The applicant proposes a reducing this separation a maximum of two-feet, 5 7/8-inch for a 7-foot 6 1/8—inch separation between Units 8 and 9 at the second floor and roof; and 7-feet 6 1/8-inch between Units 6 and 9 at the second floor and roof.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the reduced separation between Units 8 and 9 results in a larger, more usable courtyard for the residents, and contributes to the variation in structure siting (CS1-B, CS2-D, PL1-B, DC2-A).

6. **Front Setback, Entry Porch (SMC 23.45.518.H.5.):** The Code permits a maximum height of 30-inches within 4-feet of the property line. A 4-foot height is permitted within the setback. The applicant proposes an increased height of 6-feet, 2 3/4-inches within the front setback.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that porch in the front setback is an appropriate response to the context, particularly Bky Kracke Park to the west (CS1-C, CS1-D, PL1-A, PL2-B, PL3-A).

7. **Deck Projection at Side Setback, East Property Line (SMC 23.45.518.I):** The Code requires that no deck project any closer than 5-feet from a property line. The applicant proposes an increased projection to 2-feet, 11-inches of the property line for Unit 9.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the projection of the deck creates opportunity for eyes on the alley, thereby increasing safety and interaction (PL1-A, PL2-B, DC2-B, DC2-C).

8. **Arbor in Building Separation (SMC 23.45.518.J.9.a.):** The Code permits a maximum of 40-square feet, with a maximum height of 8-feet. The applicant proposes an increased height of 8-feet, 10 5/8-inches to 10-feet, 2 ¼-inches.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the arbor is an appropriate addition to the central walkway as it helps identify the entrance into the shared, central courtyard (PL1-B, PL2-D, PL3-A, PL3-B, DC2-A, DC2-C).

9. **Side Setback, Northeast Property Line (SMC 23.45.518.H.5.):** The Code requires a setback of 5-feet minimum, 7-feet average. The applicant proposes a decreased setback of 3-feet minimum at the first and second floor of Unit 7.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the reduced north setback at the first and second floors allowed for a larger setback from the alley to allow for the preservation of light, air, and views of development to the north (CS1-B, CS1-C, CS3-A, DC2-B, DC2-C).

BOARD RECOMMENDATION

The recommendation summarized above was based on the design review packet dated Wednesday, May 20, 2015, and the materials shown and verbally described by the applicant at the Wednesday, May 20, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions.

1. Include in the Master Use Plan set a lighting plan to include down lighting in the central walkway to allow identification of a person walking at night.
2. Move the kitchen window on the south façade of Unit 10 to avoid direct overlap with windows on the structure to the south.
3. Include 15 secured bicycle parking spaces on-site, such as within the garage.
4. Better integrate the tree in the center of the courtyard by designing a planter that is flush, or one that is larger and taller.

5. With the goal of activating the space, further develop the amenity area between the porches and street by including seating, planters, landscaping, and/or some other design response.

DECISION – DESIGN REVIEW

Director’s Analysis

Four members of the West Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny, or revise the Board’s recommendations (SMC 23.41.014.F.3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board’s conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

Director’s Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle *Design Review Guidelines for Multifamily and Commercial Buildings*. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified; therefore, the Director accepts the Design Review Board’s recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The DPD has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The *SEPA Overview Policy* (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include the *Stormwater Code* (SMC 22.800-808), the *Grading Code* (SMC 22.170), the *Street Use Ordinance* (SMC Title 15), the *Seattle Building Code*, and the *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

PUBLIC COMMENT:

The SEPA public comment period ended January 14, 2015. Comment received expressed concerns about impacts to on-street parking, traffic, views, integrity of an existing retaining wall, and privacy.

A. SHORT-TERM IMPACTS

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality/Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials

themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

Construction Impacts: Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The *Street Use Ordinance* contains regulation that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation (SDOT).

Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the parking utilization rate of 98%, this demand could be adverse. Pursuant to *SEPA Policy* SMC 25.05.675.B.2.B., in order to minimize adverse impacts, the applicant shall include a construction worker parking plan in the construction management plan to reduce on-street parking.

B. LONG -TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, historic preservation, public view protection, and parking and traffic warrant further analysis.

Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the projects' energy consumption are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

Height, Bulk & Scale

The project went through the City's Design Review process which addressed the issue of height, bulk and scale; see the above *Design Review Analysis* for details of the process and design

changes. “The Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project” (SMC 25.05.675.G). No further SEPA mitigation is warranted.

Historic Preservation

The subject site contains two existing vacant commercial structures, both more than 50 years old. The Department of Planning and Development (DPD) referred the proposal to the Department of Neighborhoods (DON) for review per SMC 25.05.675.H.2.c. Based on the review of the referral, DON has determined that it is unlikely that either of the subject buildings would meet the standards for designation as an individual landmark (LPB 202/15). No mitigation is warranted pursuant to *SEPA Policy* SMC 25.05.675.H.

Parking and Traffic

The Traffic and Parking Analysis (William Popp Associates, March 2014) includes estimated peak parking demand and parking utilization study. It is estimated that the project will generate a peak parking demand of approximately 10 vehicles. The proposal includes 10 on-site parking spaces. The parking utilization study analyzed an area within 800-feet of the site and found 218 available parking spaces, with an average number of 214 vehicles parked on the street. This results in a parking utilization rate of 98%. The cumulative parking demand estimate for the area, considering future development likely to impact the project’s study area, is 1.4 vehicles, resulting in a total on-street parking utilization rate of 99%. The trip generation estimated is 39 total net new trips, with five trips during the weekday PM peak hour. The DPD Transportation Planner reviewed the information and has determined that while these impacts are adverse, they are not expected to be significant. No mitigation is warranted pursuant to *SEPA Policy* SMC 25.05.675.M. and SMC 25.05.675.R.

Public View Protection

It is the City’s policy to protect views of significant natural and human made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union, and the Ship Canal, from public spaces consisting of the specified viewpoints, parks, scenic routes, and view corridors (SMC 25.05.675.P.). Lake Union and the Cascade Mountains are visible from Bhy Dracke Park, a specified viewpoints per SMC 25.05.675.P. A view protection analysis was submitted illustrating the impacts of the project on protected views. The Department of Parks and Recreation reviewed the proposal and found, “The views of Lake Union, Capitol Hill and the Cascade Mountains beyond from Bhy Kracke Park will not be significantly adversely impacted by the proposed construction. The proposed buildings are in keeping with the scale of the neighborhood and

similar in height; they comply with and are in fact below the height limit of the underlying Lowrise3 zone” (Graves, April 2015). As shown from the analysis and Department of Parks and Recreation review, no views are significantly impacted by the development. No mitigation is warranted pursuant to *SEPA Policy SMC 25.05.675.P*.

Summary

In conclusion, several adverse impacts to the environment are anticipated to result 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 - STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy:

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner, Carly Guillory.

2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner, Carly Guillory.

For the Life of the Project:

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner, Carly Guillory.

SEPA – CONDITIONS OF APPROVAL

Prior to issuance of the first construction permit (not including grading):

3. The applicant shall submit a Construction Management Plan (CMP) to Seattle Department of Transportation at SDOTPermits@seattle.gov for review and approval. Include in the CMP a construction working parking plan (for the *CMP Standard Element Guide* see <http://www.seattle.gov/transportation/CMP.htm>). Please submit the SDOT approved CMP to DPD in accordance with *How to Respond to a DPD Correction Notice*.

Signature: Betty Galarosa for Date: September 8, 2015

Carly Guillory
Land Use Planner
Department of Planning and Development

CG:bg

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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 or to our message line at 206-684-8467.