



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Numbers: 3017341 and 3017439
Applicant Name: Studio 19 Architects for American Family LLC
Address of Proposal: 3021 and 3025 NE 130th St

SUMMARY OF PROPOSAL

3017341 — Land Use Application to allow a 7-story, 117-unit apartment building with 76 parking spaces located within the structure. Project to be considered with #3017439 for shared access.

3017439 — Land Use Application to allow a 3-story, 5-unit townhouse with parking for 5 vehicles. Existing building to be demolished. Project to be considered with #3017341 for shared access.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

** Departures are listed near the end of the Design Review Analysis in this document*

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Site Zone:
Low Rise (LR2) Commercial with a 65-foot height limit (C1-65)

Nearby Zones:
North: Single Family (SF 7200) & LR2
South: C1-65
West: LR2 and C1-65
East: C1-40 and C1-65

ECAs: No ECA conditions are present.

Site Size: 9,896 Square Foot



PUBLIC COMMENT:

The public comment period began on September 10, 2015. In addition to the comment(s) received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to lack of onsite parking, residents of the project will have to park in nearby single-family neighborhoods, traffic, use of the Lake City easement for pedestrians, the lack of capacity on 130th Street for parking and traffic, the location of trash services, the overabundance of low-income housing in Lake City, the neighborhood is not safe for pedestrians, construction hours and operation times, and density. Comments were also received that are beyond the scope of this review and analysis per Seattle Municipal Code (SMC) 25.05.

BACKGROUND:

Seattle DCI recognizes that there is a dispute about the relative property rights of the applicant and the neighboring owner. Seattle DCI does not have the authority to resolve that dispute. Issuance of this permit reflects our determination that the project meets code standards, and should not be construed as a determination as to the property rights of the disputing parties.

ANALYSIS – DESIGN REVIEW

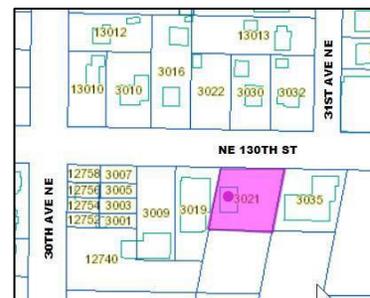
CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

Current Development:

The northern site (3017479)

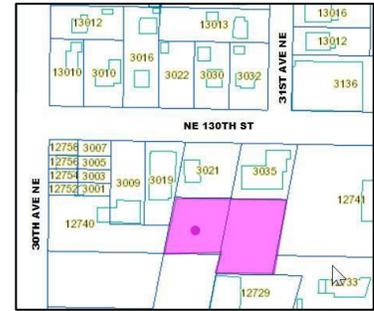
The site located mid-block between Lake City Way and NE 30th Ave on NE 130th St., is currently occupied by a single family house and abuts a low-rise apartment building to the east and west, and single family homes to the north.

The lot to the south, which is owned by the same developer, is currently vacant; however, plans are underway to develop a seven story apartment building there.



The southern site (3017341)

This two parcel site is located internal to the block and has no direct street access or frontage and is nearest to the corner of Lake City Way and NE 130th Street. The site abuts a bank to the east, office and retail buildings to the south, a six story apartment building to the west and small three story apartment buildings to the north. The lot is currently vacant.



Surrounding Development and Neighborhood Character:

Located on NE 130th St, this project sits along the northern edge of the Lake City Civic Core where the transition takes place between the commercial areas and single family neighborhoods. The area blends retail and office spaces and multi-family apartments along Lake City Way and NE 130th Ave with single family homes directly to the north. Existing retail is a mixture of restaurants and stores selling goods and services. The site is a short walk away from a frequent transit corridor, a major grocery outlet, and the center of the civic core.

Zoning and Overlay Designation

The project site is within the Lake City Hub Urban Village and is zoned LR2 and C1-65. Parcels to the east and west are also zoned LR2. The property to the south is with the Lake City Core and is zoned C1-65. To the north are primarily single family neighborhoods with commercial developments as one gets closer to Lake City Way.

PROJECT DESCRIPTION

The project is comprised of 5 townhome units, 117 apartments and 81 underground parking spaces.

The packet 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](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

The packet is also available to view in the file, by contacting the Public Resource Center at Seattle DCI:

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

Email: PRC@seattle.gov

FIRST EARLY DESIGN GUIDANCE: August 25, 2014

- 1. Structure Massing, and Site Response.** The Board noted that the proposal needs to give consideration to the existing development surrounding the site. It wants the building to

set a precedent for the neighborhood. (CS2, CS3, DC1, DC2, PL3-B)

- a. The Board looks forward to seeing the details for the façade composition; proposed textures, articulation, and building materials to further express the residential units, retail, and ground level vehicle access. (DC1-A, DC1-2, D2-B, DC4-A)
- b. The applicant needs to provide a ground level design that uses transparency to maximize activation and safe pedestrian experience along the ground level façades. (CS2, PL1)
- c. Seattle DCI requests a privacy study documenting the visual relationship between the proposed façade fenestration and the adjacent sites. Elevation views should detail existing windows and outdoor space whose privacy will be impacted by proposed development. The location of existing windows should inform the location of proposed windows and landscape screening along the east façade. (CS2-D)

2. Significant/Exceptional Trees. The Board had no information at the Early Design Guidance meeting to address the trees on the site and the design concept. At the next meeting, the applicant needs to address how those trees can be relocated if retention is not feasible. (CS1-D)

- a. The Board is unable to comment on the massing concept. The proposal should give particular attention to protecting the existing trees. (DC2, DC3-C)

3. Pedestrian/Vehicle Access and Solid Waste Collection. The Board expressed concern with the proposed pedestrian/vehicle access. It wants to see a proposal with more than one option. (CS2-C, DC1-A, PL3-A)

- a. The applicant provided no information to the solid waste storage location. The applicant needs to address this at the next design review meeting. (DC1-A, DC1-C, PL3-A)

4. Colors and Materials, Safety and Security. It is recommended that high quality elements, architectural features, details, and finishes are provided to the Board. Human scale elements provide a strong connection between the project and the public realm. A materials/colors board shall be provided at the next meeting. (DC2-D, DC4-A, PL2-B)

- a. The Board noted that the overall design should set a context of visual interest and human scale for all four facades. (CS3-A, DC4-A)
- b. Regarding blank walls, it is recommended that any blank walls should include design treatments of high quality elements and finishes to respond to human scale and visual interest. (DC2-B, DC4-A)

5. Security and Exterior Lighting.

- a. At the next meeting, the applicant needs to address building security and exterior lighting for the building. (PL2-B-2, PL3-A, DC4-C)

SECOND EARLY DESIGN GUIDANCE: April 13, 2015

1. Structure Orientation/Location, Massing, and Site Response. The Board noted that the residential units on NE 130th St need to be oriented to the street. (CS2-C, DC1-A, PL3-B)

- a. The pedestrian and vehicle access on NE 130th St needs to be separated. They preferred a design that is a combination of Option A and Option B.
- b. The vehicle access should be moved next to the west property line on the northern parcel.

- c. Pedestrian access should be along the eastern portion of the northern parcel. Vehicles need to enter from NE 130th St and exit onto Lake City Way NE via easement.
 - d. Underground parking for both the townhouses and apartment building should be as proposed under Option B.
- 2. Significant/Exceptional Trees.** The Board would like to see the Saucer Magnolia (*Magnolia soulangiana*) and the Western White Pine (*Pinus monticola*) retained on the site, see tree #1 and #2, page 21 and 22 of the 2nd EDG packet dated March 13th 2015. They also encouraged the preservation of two trees boarding on the east property line although they are not exceptional trees. The Board recognized there are challenges to keeping the Exceptional Trees because their root balls maybe in the way of the underground parking structure. (CS1- D)
- 3. Pedestrian/Vehicle Access and Solid Waste Collection.** The Board complimented the applicant for providing the pedestrian access from NE 130th St all the way through the site to the easement that leads to Lake City Way NE. The associated plaza was well received by the Board. (CS2-C, DC1-A, PL3-A)
- 4. Colors and Materials.** The Board was pleased with the massing, material and color combinations for the proposed design. It is recommended that high quality elements, architectural features, details, and finishes are provided to the Board at the next meeting. Human scale elements provide a strong connection between the project and the public realm. A materials/colors board shall be provided at the next meeting. (DC2-D, DC4-A, PL2- B)
- 5. Security and Exterior Lighting.** The Board noted that the proposed pedestrian oriented open space along NE 130th St minimized the concern for the site security. The Board did not comment on the exterior lighting.

Project Development:

The following comments summarizes the applicant's responses to guidance from the second EDG meeting and the Board's comments from the recommendation meeting:

The pedestrian and vehicular access has been separated as directed by the Board. The applicant has proposed an alternative vehicle circulation pattern. The townhomes and apartments each have their own garage with two-way access from 130th and Lake City Way respectively. The applicant cited two reasons for the change, a desire to segregate parking by product type and difficulties with the building code. The Board requested the Seattle DCI planner and the applicant to work with the building department to resolve those issues and continue to pursue a unified garage system.

Board Response: The Board still wanted to see the garages connected and directed the applicant to work with the Seattle DCI planner and the building department to connect the two garages. If the garages connect, the Board encouraged the applicant to maintain one-way ingress from 130th with two-way access out to Lake City Way.

Plans presented at the recommendation meeting preserve Tree #1 and the two trees along the eastern property line. The applicant stated they were not able to save tree #2 due to the impacts generated by the underground parking structure.

Board Response: The Board accepted the applicant proposal regarding the preservation of trees. Pedestrian connectivity was maintained through the site.

Board Response: The Board discussed materials for the walkway. A condition was set requiring the pavers to have the appearance of modeled concrete.

The applicant presented their elevations and materials board at the recommendation meeting.

Board Response: Through questioning and deliberation the Board amended the applicant's material choices and set conditions to insure the integrity of the design. These are discussed in further detail in the meeting notes and conditions section of the report.

The applicant presented a lighting plan with ample lighting integrated in to the pedestrian pathway.

Board Response: The Board discussed the lighting on the pedestrian pathway and noted there were standard code requirements limiting light and glare from a project's lighting.

Board Guidance RECOMMENDATION MEETING April 4, 2016

1. **Materials.** The Board asked for further refinements to the applicants use and application of materials. (DC2-D, DC4-A, PL2- B)
 - a. The recommendation packet shows a brick veneer. The Board conditioned the applicant to either use a thicker 3 5/8" brick material or to pay careful attention to detailing, especially the corners of the townhome units.
 - b. Areas marked as Cobblestone or Artic White on the elevations should be replaced with a warmer color palette.
 - c. Three corners of the façade are wrapped in corrugated metal. The Board recommended a condition to strengthen the southeast corner of the building and suggested further use of the corrugated metal similar the building's other corners.
 - d. Members of the public asked for more attention to the apartment façade facing Lake City Way. The Board agreed and asked the applicant to consider a material change at the base or the top of the middle façade element, shown as Cementitious Panel Color: Cobblestone, to break up the building's bulk.
 - e. The Board asked for the concrete pavers used on the pedestrian walkways to have the appearance of modeled concrete.
 - f. The Board asked for a durable wood material where elevations show Composite IPE Plank Siding. The Board members set a condition for a durable material with a 10-15 year color warranty.
 - g. The orange accent piece shown on the corners of the southeast façade should be a high-quality commercial grade exterior product.
 - h. The Board asked that all cementitious panels used be Hardie 2.0, 5/8" thick, or a similar product thickness.
2. **Easement.** The Board discussed the use of the easement providing access to Lake City Way. (PL1-B1)
 - a. The Board considered asking the applicant to pursue an easement across the property at the corner of 130th and Lake City Way, but was reminded that the property is not under the applicant's ownership and the owner of the land is unlikely to grant access.
 - b. The Board asked the applicant to consider pedestrian access onto the Lake City Way easement.

3. Landscaping

- a. The Board wanted to see a landscape plan with more layering along the pedestrian pathway. (DC3-C)
- b. Residential entries onto the pedestrian pathway should feature shallow landscaping treatments to create separation between private and communal realms. (PL3-B-4)

4. Apartment Garage Entry. The Board discussed the safety of pedestrians crossing in front of the apartment parking garage. (PL2)

- a. Mirrors should be added at the garage entrance.
- b. The wall dividing ingress and egress should be scaled back or reduced to a recessed column to increase visibility.

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. 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-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.

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-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-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

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

CS3-A Emphasizing Positive Neighborhood Attributes

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-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-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

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

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

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-C Weather Protection

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

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-2. Common Entries: Multi-story residential buildings need to provide privacy and

security for residents but also be welcoming and identifiable to visitors.

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.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead for Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

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

DC1-C Parking and Service Uses

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

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-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-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.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

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

DC3-C Design

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

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-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

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.

Recommendations: The recommendations summarized below were based on the plans and models submitted at the April 4, 2016 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 4, 2016 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended APPROVAL of the subject design with conditions and the requested development standard departure from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS for the project. (Authority referred in the letter and number in parenthesis):

1. Materials

- a. Brick depicted on the elevations shall either be at least 3 5/8" thick or, if veneer is used, careful attention shall be paid to detailing, especially the corners of the townhome units. (DC4-A-1)
- b. Areas marked as Cobblestone or Artic White on the elevations shall be replaced with a warmer color palette. (DC4-A-1)
- c. The applicant shall work with the Seattle DCI planner to strengthen the southwest corner of the apartment building. This may be accomplished through the use of the AEP metal siding present on the other three corners. (CS2-A-2)
- d. The applicant shall either provide a material change at the base or the top of the middle façade, shown as Cementitious Panel Color: Cobblestone facing Lake City Way, to break up the building's bulk. (DC2-D-1)
- e. Concrete pavers used on the pedestrian walkways shall have the appearance of modeled concrete. (DC2-D-2)
- f. Areas marked as Composite IPE Plank Siding on the elevations shall be a durable material with a 10-15 year color warranty. (DC4-A-1)
- g. The orange accent piece shown on the corners of the southeast façade shall be a high-quality commercial grade product rated for exterior use. (DC4-A-1)
- h. Cementitious panels shall either be Hardie 2.0 or of similar thickness. (DC4-A-1)

2. Landscaping

- a. The applicant shall work with Seattle DCI to revise the landscape plan to include more layering along the pedestrian pathway. (DC3-C)
- b. Residential entries onto the pedestrian pathway shall include shallow landscaping treatments to create separation between private and communal realms. (PL3-B-4)

3. Vehicular Access

- a. The applicant shall work with the Seattle DCI planner and the building department to connect the two garages. If the garages connect, the Board encourages the applicant to maintain one-way ingress from 130th with two-way access out to Lake City Way.

4. Apartment Garage Entry

- a. Mirrors should be added at the southeast garage entrance to improve visibility. (PL2)
- b. The wall dividing ingress and egress should be scaled back or reduced to a recessed column to increase visibility. (PL2)

5. Mailbox

- a. The applicant shall work with the neighbors on the placement of a shared mailbox.

ANALYSIS & DECISION – DESIGN REVIEW

Director’s Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the Seattle DCI Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on April 4, 2016, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which 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.F3).

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.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Condition:

1. **Materials.** The Board asked for further refinements to the applicants use and application of materials. (DC2-D, DC4-A, PL2- B)
 - a. The recommendation packet shows a brick veneer. The Board conditioned the applicant to either use a thicker 3 5/8” brick material or pay careful attention to detailing, especially the corners of the townhome units.

***Response:** The applicant has agreed to pay special attention to the detailing of brick veneer. Staff will set a condition asking for a material detail diagram to be added to the building plan set.*

- b. Areas marked as Cobblestone or Arctic White on the elevations should be replaced with a warmer color palette.

Response: *The Arctic White color has been replaced with Ceraclad “Linen” a warmer color as shown on the colored elevation drawings as material # 9.*

- c. Three corners of the façade are wrapped in corrugated metal. The Board recommended a condition to strengthen the southeast corner of the building and suggested further use of the corrugated metal similar the building’s other corners.

Response: *The southeast corner has been revised to be clad in metal siding similar to other corners of the building. The southeast corner has also been strengthened through the use of contrasting colors and increasing the size of the stone element at the entrance to the parking garage.*

- d. Members of the public asked for more attention to the apartment façade facing Lake City Way. The Board agreed and asked the applicant to consider a material change at the base or the top of the middle façade element, shown as Cementitious Panel Color: Cobblestone, to break up the building’s bulk.

Response: *Special attention has been paid to the façade facing Lake City Way. A material change has been included at the base below the third floor to break up the building’s bulk. The base is composed of a cementitious panel material with horizontal lines to create a subtle shadow effect and a different texture. The upper floors are delineated with a smooth-finished, cementitious panel. Please refer to the colored exterior elevations for details.*

- e. The Board asked for the concrete pavers used on the pedestrian walkways to have the appearance of modeled concrete.

Response: *Staff is setting a condition that the building permit set be updated to show the concrete pavers having the appearance of modeled concrete.*

- f. The Board asked for a durable wood material where elevations show Composite IPE Plank Siding. They set a condition for a durable material with a 10-15 year color warranty.

Response: *At the apartment building, the composite wood panel is produced by AL13 Panel Systems. The product has a 25-year finish warranty.*

- g. The orange accent piece shown on the corners of the southeast façade should be a high-quality commercial grade exterior product.

Response: *The orange accent piece, noted on the plans, at the south-east corner will be constructed of high quality metal panels and will come factory- finished in the color specified.*

- h. The Board asked that all cementitious panels used be Hardie 2.0, 5/8” thick, or a similar product thickness.

***Response:** Noted on the plans, cementitious panels will be from Ceraclad, which is comprised of 5/8” panels with a ceramic color finish. The thickness of the panel is similar to those provided by Hardie 2.0.*

2. Landscaping

- a. The applicant shall work with Seattle DCI to revise the landscape plan to include more layering along the pedestrian pathway. (DC3-C)

***Response:** The landscape plan has been revised to provide more layering along the pedestrian pathway. Please refer to the Landscape Drawings for details.*

- b. Residential entries onto the pedestrian pathway shall include shallow landscaping treatments to create separation between private and communal realms. (PL3-B-4)

***Response:** Landscaping areas have been revised to create a separation between the communal and private spaces at the apartment units adjacent to the pedestrian pathway.*

3. Vehicular Access

- a. a. The applicant shall work with the Seattle DCI planner and the building department to connect the two garages. If the garages connect, the Board encourages the applicant to maintain one-way ingress from 130th with two-way access out to Lake City Way.

***Response:** The two garages will be connected allowing limited circulation between the two projects. Staff has discussed this connection with the building department and it has been approved.*

4. Apartment Garage Entry

- a. Mirrors should be added at the garage entrance to improve visibility. (PL2).

***Response:** Mirrors have been noted on the plans to aid in visibility.*

- b. The wall dividing ingress and egress should be scaled back or reduced to a recessed column to increase visibility. (PL2)

***Response:** The wall dividing ingress and egress from the garage has been minimized to improve visibility.*

5. Mailbox

- a. The applicant shall work with the neighbors on the placement of a shared mailbox.

***Response:** Coordination with the neighbors for the location of the shared mailbox station has been noted on the plans. Please refer to the Site Plan for details.*

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of Seattle DCI 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. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and approves the proposed design. The requested departure and justification is documented in page two of the revised plans dated July 28th 2016.

ANALYSIS – SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 21st 2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the 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, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, 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 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. The following analyzes construction-related noise, air quality, greenhouse gas, earth/soils, construction traffic and parking impacts, as well as mitigation.

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. Therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Earth / Soils

Excavation to construct the residential structures will be necessary. Excavation will remove an estimated 13,800 cubic yards of material from the development site. Soil, gravel and similar materials may be imported to or exported from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport.

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 13,800 cubic yards of soil are expected to be excavated from the project site. Excavation and fill activity could require approximately 1,380 round trips with 10-yard hauling trucks or 690 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.

The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the impacts associated with the grading/excavation impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be 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.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction.

The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; increased traffic in the area. Compliance with 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, greenhouse gas, historic resources, height bulk and scale, parking, plants and animals, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction 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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 85-

year-old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 88/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

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

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 122 residential units with 81 off-street vehicular parking spaces. The traffic and parking analysis prepared by Transpo Group for the townhomes at 3021 NE 130th Street and apartments at 3025 NE 130th Street on January 2016 indicates a peak demand for approximately 122 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 54% within 800’ of the site. The proposed development peak demand of 122 parking spaces would not be accommodated by the proposed 87 parking off-street spaces in the development, resulting in a spillover demand for 35 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 82%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 82 % within 800’ of the site. On street parking would accommodate the spillover from the proposed development.

Plants and Animals

Mature vegetation is located on the site, including seven trees (five of the seven are exceptional trees). The location of these trees is described on page 22 of the Recommendation Packet. The applicant submitted an arborist report date September 5, 2014.

Removal of the tree as related to the proposed design is discussed in the Design Review section earlier in this decision. The Design Review Board recommended that the proposed building and landscape design meet the Design Review Guidelines better than a design that retains the existing exceptional tree.

Seattle DCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing trees at maturity. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

The proposal includes retention of the two trees — the Saucer Magnolia (*Magnolia soulangiana*) and the Western White Pine (*Pinus monticola*). In order to mitigate impacts to the Exceptional Tree(s) under SMC 25.05.675.N, a condition for a tree preservation plan is warranted. The applicant will need to submit a tree preservation plan to be included on any demolition, excavation, shoring, and construction permit plans.

Transportation

The Traffic Impact Analysis Transpo Group for the Townhomes at 3021 NE 130th Street and Apartments at 3025 NE 130th Street on January 2016 indicated that the project is expected to generate a net total of 535 daily vehicle trips, with 52 net new PM Peak Hour trips and 38 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant. No further mitigation is warranted per SMC 25.05.675.R.

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 requirement of the State Environmental Policy Act (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 EIS is not required under RCW 43.21.030(2) (c).
- Mitigated 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 43.21.030(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.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. The applicant will need to submit a tree preservation plan to protect/preserve the Saucer Magnolia (*Magnolia soulangiana*) and the Western White Pine (*Pinus monticola*). To be included with any demolition, excavation, shoring, and construction permit plans.
2. A material detail diagram to be added to the building plan set showing how the brick veneer will be applied to the building. This diagram should show how the material will wrap the corner.
3. The building plan set shall be updated to show the concrete pavers having the appearance of modeled concrete.

For the Life of the Project

4. 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 (Colin R. Vasquez, 206.684.5639 or colin.vasquez@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.
6. If the applicant intends to work outside of the limits of the hours of construction described in condition #5, a Construction Noise Management Plan shall be required, subject to review and approval by Seattle DCI Noise Abatement staff, and prior to a demolition, grading, or building permit, whichever is issued first. The construction noise management plan may be modified as needed through SDOT and Seattle DCI review. The construction noise management plan shall be incorporated into the Construction Management Plan.

During Construction

7. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 7pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 7pm once the shell of the structure is completely

enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in the condition above.

8. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 4:00 and 6:00 p.m.

Colin R. Vasquez, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: September 29, 2016

CV:drm

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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 Seattle DCI 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.