



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 Number:** 3017565  
**Applicant Name:** John Morefield, Jackson Main Architects, for Cubix Apartments  
**Address of Proposal:** 1008 N 109<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 4-story building containing 101 small efficiency dwelling units. Seven live-work units and retail commercial space will be provided at ground level. No parking provided.

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

**BACKGROUND**

The neighboring property to the east encroaches onto the development site and a Lot Boundary Adjustment (#3020419) has been applied for and must be granted before issuance of a Master Use Permit for this application.

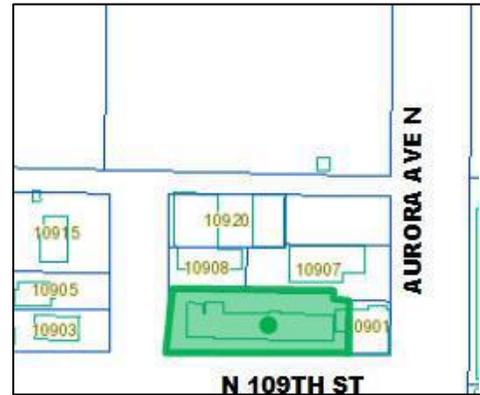
Site and Vicinity

Site Zone: Commercial 1-40 (C1-40')

Nearby Zones: North: C1-40  
South: C1-40, LR2  
West: SF 5000  
East: C1-4

ECAs: None

Site Size: 14,107 SF (13,282 SF following LBA)



Public Comment:

The public comment period ended on June 3, 2015. In addition to the comment received through the Design Review process, which are noted below in the Design Analysis, 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 largely to parking and traffic. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

**ANALYSIS – DESIGN REVIEW**

**CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER**

The site faces onto both Whitman Avenue N. and N. 109th Street. It is located west of Aurora Avenue N. (SR99), just to the west of the *Rose Corner Flower Shop*). For some time the site has been an earthen berm, providing a resting place for soil storage and other detritus. The street edges bordering the site are without gutter, planting strip or sidewalks. The site is located within the Aurora/Licton Springs Urban Village. One block to the north, both sides of Aurora Avenue N. are fronted by portions of Evergreen Washelli Cemetery. South of the cemeteries, running along either side of Aurora there is a strip of C1-40 zoning, varying between a half and a full block in width. Lower commercial buildings and some warehouse structures are aligned along the Aurora corridor. Some multi-family structures of more recent vintage are intermingled with older single family houses across N. 109<sup>th</sup> Street and south of the site. West of Whitman Avenue N. which abuts the subject site on the west there is a generally large swath of single family zoning developed with single-family dwellings.

**FIRST EARLY DESIGN GUIDANCE : November 24, 2014**

The packet includes materials presented at the meeting, and is available online by entering the project number 3017565 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 SDCl:

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

**Email:** [PRC@seattle.gov](mailto:PRC@seattle.gov)

## DESIGN DEVELOPMENT

The preferred option, Option 1, would be a four-story structure with a site built ground floor containing a lobby, small retail space, 13 live-work units, and parking for 14 vehicles underlying 3 stories of modular, stacked units, containing a total of 93 residential units. An amenity area would be provided on the top of the ground floor office space. This configuration would require departures to allow less than the required depth to the live-work units in order to provide for the parking. Option 2, site built, would provide no parking, allowing for the required depth of the live-work units and providing for amenity space along the entire length of the structure at the second level. Option two would require no departures. Option 3, like the first option, would be modular built above the base, provide 14 parking spaces and amenity space at the second level in the northeast sector of the building. Option 3 would require departures to allow less than the prescribed depth for the live-work units.

## PUBLIC COMMENT

Concerns were voiced regarding the disappearance of curbside parking; the proposed structures, in whichever option, were out-of-scale with existing conditions; there would be potential conflicts between the proposed amenity areas and the dog daycare facility north of the building and visual barriers should be added to the proposed amenity areas.

<b>PRIORITIES &amp; BOARD RECOMMENDATIONS</b>
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After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

The Board's major concerns were the following:

- None of the options really addressed the transition to the SF 5000 zone and the scale of the single-family homes to the west across Whitman Avenue N;
- The options generally lacked modulated facades and proposed a pastiche of painted divisions instead of actual modulation;
- None of the proposed west-facing facades appeared to address the zone change at Whitman Avenue N. and the single-family structures across the street;
- It was unclear how the so-called amenity areas proposed would actually function as "amenities";
- It was not clear how the live-work spaces were intended to work and function as live-work spaces.

## DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, with the note that a second Early Design Guidance meeting could well give further priority and focus to the guidelines particularly important to the success of the project. For the full text please visit the [Design Review website](#).

## CONTEXT & SITE

### **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-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.

**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-3. Zone Transitions:** For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

**CS2-D-4. Massing Choices:** Strive for a successful transition between zones where a project abuts a less intense zone.

**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-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

### **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-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-**

**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.

**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-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-3. Buildings with Live-work Uses:** Maintain active and transparent facades in the design of live-work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

**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.

**DESIGN CONCEPT**

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

**DC1-A Arrangement of Interior Uses**

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

**DC1-B Vehicular Access and Circulation**

**DC1-B-1. Access Location and Design:** Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

**DC1-C Parking and Service Uses**

**DC1-C-2. Visual Impacts:** Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

**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-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-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).

**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-1. Meeting User Needs:** Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

**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-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.

**DEVELOPMENT STANDARD DEPARTURES**

The Board's recommendation on the requested departure(s) will be 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 departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the meeting the following departures were requested:

1. **SMC 23.47A.008 :** The Code requires an average depth of 30 feet and a minimum depth of 15 feet for non-residential street-level uses. The applicant proposes a reduction in minimum and average depths.

The Board indicated they would reserve any recommendation until at a second EDG meeting the applicant would more clearly demonstrate the disposition and functioning of the units and clearly articulate the request as better meeting the intention of the Design Guidelines.

## **RECOMMENDATIONS**

- Show and explain how the proposed amenity areas function as true amenity areas. Show the choice of location of these spaces as optimizations among options.
- Show and explain how the building form addresses concerns regarding height, bulk and scale relations to the single-family zone to the west across Whitman Avenue N.
- Explore moving the ground level of the proposed structures to the north property line.
- Show and explain how the proposed structure puts a best face toward the single family residential structures to the west.
- Explain the function and performance of the live-work units and clearly show how requested departures in their regards better meet the intentions of the Design Guidelines.
- Explore how a better degree of actual modulation might be achieved in the proposed use of modular structures

## **BOARD DIRECTION**

At the conclusion of the FIRST EARLY DESIGN GUIDANCE meeting, the Board recommended that the project be returned for a second EDG meeting.

## **SECOND EARLY DESIGN GUIDANCE MEETING: February 2, 2016**

The packet for the meeting includes materials presented at the meeting, and is available online by entering the project number 3017565 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 SDCl:

**Mailing      Public Resource Center**  
**Address:**    700 Fifth Ave., Suite 2000  
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                  Seattle, WA 98124-4019

**Email:**        [PRC@seattle.gov](mailto:PRC@seattle.gov)

At the time of the second EDG meeting, the applicant still proposed a building of 93 units, but with a reduction in live-work units to 7, with parking for 12 vehicles and 100 bicycles.

In the preferred scheme, the upper residential mass was moved to the south to provide a strong corner and gateway to the neighborhood. Larger commercial spaces would be provided to anchor the structure at both the west and east ends. Nine parking spaces would be located at grade behind the live-work units and lobby space, taking access off Whitman Avenue N. Three Departures would be requested and needed, to reduce the driveway width, to reduce the dimensions and location of solid waste and recyclable materials storage space.

## Public Comment

- Generally approved of improvements shown — “better than current dirt pile”;
- Development will deplete parking availability already scarce in the area;
- Chief concerns were increased parking demand and increased traffic in area;
- Smaller overall size would be better;
- Don’t make this area “into another Georgetown”;
- Don’t allow residency there for anyone who owns a car;
- Attractive building, but will attract people with a transient life style, already a problem along Aurora corridor; it not a good location for this type of building.

## BOARD’S DELIBERATIONS

- Moving the mass of building to the south solved a number of the previous problems;
- Presentation showed other big improvements;
- The strong modulation shown on east and west ends needs to be kept and celebrated.

Two questions and related issues received focused attention from the Board. The first question involved the relationship of the structure to the homes located to the west, across Whitman Avenue N.: did the proposed structure defer adequately to the change in zoning from C1-40 to SF 5000 at the centerline of Whitman Avenue N.?

The second issue involved the congeries of departures requested for an alternate design to the configuration and location of space for the storage of trash and recyclables within the building at the northwest corner (see below under Departures Requested).

Showing deference to the single-family homes to the west was resolved by the Board’s agreeing that the zoning change was adequately buffered by the intervening right-of-way. The west façade was the building’s appropriate public face, already overly modest in the number and size of windows shown, and properly subject to some expansion in that regard. Similarly, the building did not require a set-back of the upper modular units. A diminution of the parapet height along the western façade would be a welcomed and appropriate gesture. It was also suggested, although not unanimously by the Board, that a true corner entry into the ground-floor commercial space at the corner of N.109<sup>th</sup> Street and Whitman Avenue N. should receive further study by the applicant.

## DEPARTURES REQUESTED

Three departures would be required to enable the preferred storage option for storage of receptacles for solid waste and recyclable materials at the northwest corner of the building. By allowing the receptacles to be stored behind the north wall they would not need to be periodically relocated in the right-of-way of Whitman Avenue N. This configuration has already received approval by Seattle Public Utilities (see SPU letter of 1/29/2015), but would require three departures from the following Code requirements: SMC 23.54.030, the minimum and maximum widths of driveways; SMC 23.54.040, the minimum horizontal required dimension of 12 feet for the storage space; and, SMC 23.54.040, a reduction in the required size of the trash enclosure from 387.5 sf to 275 sf. The Board were agreed in their approval of the departure requests, but formal recommendation of approval would have to await the recommendation phase of the project after MUP submittal.

At the conclusion of their deliberations, the Board Chair recommended editing the list of guidelines selected as of highest priority for the project. The following identified guidelines from the earlier EDG meeting, the Board agreed, would no longer be considered as guidelines of highest priority: CS2-D-2, D-3, D-4; PL2-C-2, PL3-B-3, PL4-B-3; DC2-A-2, DC2-C-1, DC3-B-1, B-4; DC4-C-1.

At the conclusion of the Second Early Design Guidance Meeting, the four Board members present unanimously agreed that the project should proceed to further design development in response to the design guidance noted above, and to MUP application.

### **RECOMMENDATION MEETING: August 3, 2016**

Four of the five Board members attended the meeting. The packet includes materials presented at the August 3, 2015 meeting, and is available online by entering the project number 3017565 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).

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### **PUBLIC COMMENT**

Concerns were again raised regarding the impacts on parking availability in the area and for safety and security considerations. Security regarding the parking area and driveway and at the entries to the units at street level was emphasized.

### **BOARD'S PRIORITIES AND RECOMMENDATIONS**

The design team noted how care had been taken to place openings along the west elevation to not only activate the façade but to provide privacy to both the west and north across Whitman Avenue N. The public amenity space had been moved to the southeast corner to provide separation and privacy to neighbors. The upper portions of the structure had taken on a significant amount of modulation. The corner-oriented entry into the retail space at the southwest corner of the site, together with the proposed tree planting and landscaping, provided an open and inviting gesture toward the existing residential neighborhood.

After hearing the applicants' presentation and comments from the public, the Board commended the design team on its responsiveness to their guidance given at the earlier meetings and on the quality of the current design. The Board also expressed their support of the sustainability goals embodied in the modular construction commitment and in the employment of a photo-voltaic array on the rooftop.

## **CONDITIONS OF APPROVAL**

Regarding the concerns for security and safety expressed by both members of the public and the Board, the Board directed that the driveway entry into the garage area should be gated and that the entries into the live-work areas should be ganged in twos and provided with closeable, lockable gates.

The Board also called for the fence proposed along the north side to provide both security and obscurity. It was to be at once opaque and vegetative.

The Board was also agreed that the stair from the ground floor to the basement where the bicycle storage area was provided should be made more capacious than shown, in order to facilitate the transport of bicycles to and from the area.

The Board members agreed that the stairwell was a strong design element, but thought it should be provided with windows of some kind to bring light into the well. It was thought best to explore bringing that light in through openings on the east side of the stairwell, a solution that would maintain the strong sculptural quality of the form.

The design team was also directed to work with the land use planner to address the location of the accessible parking space. At the very least it must be demonstrated that the maneuvering required by a user of the stall would not be burdensome or awkward.

## **DEPARTURE REQUESTS**

Three departures would be required to enable the preferred storage option for storage of receptacles for solid waste and recyclable materials at the northwest corner of the building. By allowing the receptacles to be stored behind the north wall they would not need to be periodically relocated in the right-of-way of Whitman Avenue N. This configuration has already received approval by Seattle Public Utilities (see SPU letter of 1/29/2015), but would require three departures from the following Code requirements:

- SMC 23.54.030, the minimum and maximum widths of driveways;
- SMC 23.54.040, the minimum horizontal required dimension of 12 feet for the storage space; and,
- SMC 23.54.040, a reduction in the required size of the trash enclosure from 387.5 sf to 275 sf.

## **RECOMMENDED APPROVAL OF REQUESTED DEPARTURES**

The Board agreed 4-0 on recommending approval of the trio of departures required to make the garbage/trash storage and pickup function as shown in the plans (and as approved by Seattle Public Utilities). The Board agreed that it was desirable to keep the trash away from the street-front opposite the single-family homes and a design that better met Guidelines PL2 — Walkability, DC1-B1 — Access location, and DC1-C2 — enhancing outdoor spaces.

It was the expectation of the Board and Department that the above conditions of approval be incorporated into the MUP plans and approved by the Land Use Planner prior to issuance of the MUP. With those conditions in place, the Board approved the design as presented by a vote of 4-0.

## **SUPPLEMENTAL RECOMMENDATION MEETING: March 7, 2016**

At the time of the initial and supposed final recommendation meeting, held on August 3, 2015, the applicant proposed a mixed-use structure with some 3,222 square feet of retail spaces and seven live-work units at grade, with 93 efficiency studio apartments, located in three upper floors of modular construction, in a four-story building. Parking for 13 vehicles was to be accommodated in an open-sided, ground-floor garage accessed off Whitman Avenue N. By the time of the supplemental recommendation meeting, difficulties with bringing the open-sided parking area into compliance with requirements of the building code (Section 705.8) dictated a set of changes which necessitated the return of the project to the Design Review and approval by the Board of the changed design and required Departures from development standards.

The design presented to the Board at the Supplemental Recommendation meeting consisted in the following changes:

- The driveway connecting to Whitman Avenue N. was proposed for service use only.
- An additional 8 residential units were proposed where the parking had been, with pedestrian access provided to the units.
- A backyard amenity space, totaling 1,865 square feet, was proposed along the pedestrian corridor.
- No rooftop amenity area was proposed, so the elevator would not provide access to the rooftop.
- Bike storage has been removed from the basement and located on the ground floor.
- The retail space proposed for the southeast corner of the building is replaced with a shared commercial/ tenant amenity space, and total retail space reduced to 2,954 square feet.
- Residential storage was moved from the basement to the ground floor.

## **DESIGN DEVELOPMENT**

For the final supplemental recommendation meeting, the proposed number of efficiency apartment units was 101, while the number of live-work units remained at seven. The two proposed retail spaces had totaled 3,222 square feet, but were reduced to 2,954 total square feet. Surface parking for three vehicles would now be provided at grade near the trash storage at the northwest corner of the site. While construction of the ground floor would be site-built, the upper floors would consist of off-site constructed modular units, which would then be assembled on site.

The packet includes materials presented at the March 7, 2016 meeting, and is available online by entering the project number (3017565) 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).

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## DEPARTURES

The earlier proposal would have required an integrated set of three departures to enable garbage/trash/recycle pickup within the structure, without having to move it out to the street side opposite the single-family structures. The three departures (see p. 47 of packet) were recommended for approval at the recommendation meeting held on August 3, 2015. It would appear that the first of the requested departures may no longer be needed.

## PUBLIC COMMENT

Concerns had been raised at earlier meetings regarding the impacts on parking availability in the area and for safety and security considerations. Security regarding the rear of the building remained a concern, one related to both the residential units and the bike parking area. There was also concern expressed about providing an elongated amenity area for all residents along the rear yard frontage of the added residential units, noting considerations of safety and impacts both on the units and the neighbor to the north.

## PRIORITIES & BOARD RECOMMENDATIONS

At the earlier recommendation meeting the Board had noted that it was unclear how the so-called amenity areas proposed would actually function as “amenities.” This concern persisted.

The Board approved the addition of the residential units on the ground floor at the rear of the building with the following conditions:

- Remove any horizontal amenity space for all the residents adjacent the added units;
- Reconcile extensive area of “pervious pavement” shown on page 27 of packets with the landscaping on 5 of supplemental pages distributed at meeting;
- The use of artificial turf is unacceptable in this area;
- The bike storage space must be enclosed and secured (explore converting it into weatherized interior space);
- Provide clear and direct access within the building from the front entry on N. 109<sup>th</sup> Street to the pathway serving the rear ground-floor residential units; access from Whitman Avenue N. shall be supplemental and secondary;
- If lacking for Code-required amenity space for residents, restore the rooftop amenity area to the project;
- Provide greater visual connectivity between the interior amenity space and the exterior amenity space at the rear of the building; likewise, provide greater visual connectivity from the interior amenity space to bike-storage space.

The Board reminded the applicants that their approval of the basic design and particulars of the project from the August 3, 2015 Recommendation Meeting were still valid and remained in place. This included the essentials of the conditions of their approval not explicitly voided by requirements of accommodating the design of the rear units and the loss of parking and the driveway connecting the parking to the street.

## CONDITIONS OF APPROVAL

Regarding the concerns for security and safety expressed by both members of the public and the Board, the Board had earlier directed that the driveway entry into the garage area should be gated. This condition still applies as modified: the design requires a gated walkway between Whitman Avenue N. and the pathway to the rear ground-floor residential units.

The Board members were also agreed earlier that the stair from the ground floor to the basement where the bicycle storage area was provided should be made more capacious than shown, in order to facilitate the transport of bicycles to and from the area. *Since the bikes were no longer proposed to be stored in the basement, this condition no longer is applicable.*

The design team was also directed to work with the land use planner to address the location and maneuverability of the accessible parking space. *This condition is no longer applicable.*

At the meeting on August 3, 2015, the Board had conditioned their approval of the design of the entries to the live-work units premised upon the entry areas being ganged into twos and being provided with closeable, lockable gates. At the supplemental meeting on March 7, 2016, the applicants made the case, accepted by the Board, that the enclosed and gated entries to the live-work units would provide for a less safe and less desirable entry condition. *With the Board's approval, this condition will no longer applies to the project.*

The Board also called for the fence proposed along the north side to provide both security and obscurity. It was to be at once opaque and vegetative. *This condition remains in effect.*

The Board members had earlier agreed that the stairwell was a strong design element, but thought it should be provided with windows of some kind to bring light into the well. It was thought best to explore bringing that light in through openings on the east side of the stairwell, a solution that would maintain the strong sculptural quality of the form. *This condition, the Board reminded the applicants, was still in effect.*

*The overall massing, fenestration and materials approved on August 3, 2015, except for the parking and its access, remain in effect.*

## DEPARTURES

Three departures had been identified, at the earlier recommendation meeting, to enable the preferred option for storage of receptacles for solid waste and recyclable materials at the northwest corner of the building. By allowing the receptacles to be stored behind the north wall they would not need to be periodically relocated in the right-of-way of Whitman Avenue N. This configuration had already received approval by Seattle Public Utilities (see SPU letter of 1/29/2015), but would require departures from the following Code requirements: SMC 23.54.030, the minimum and maximum widths of driveways; SMC 23.54.040, the minimum horizontal required dimension of 12 feet for the storage space; and, SMC 23.54.040, a reduction in the required size of the trash enclosure from 387.5 sf to 275 sf.

The Board agreed that it was desirable to keep the trash away from the street-front opposite the single-family homes across Whitman Avenue N., and that the proposed design better met the Design Guidelines. PL2—Walkability, DC1-B1—Access location, and DC1-C2—enhancing outdoor spaces.

At the March 7, 2016 meeting, the Board agreed 4-0 to recommend approval of the departure(s) required to make the garbage/trash storage and pickup to function as explained and as shown in the plans. The Board agreed that it was still desirable to keep the trash away from the street-front opposite the single-family homes across Whitman Avenue N.

Approval of the departure(s) necessary, however, shall require:

- 1) Clear identification and citation of the applicable departure(s);
- 2) Exact quantification of the departure(s) requested;
- 3) A clear statement of the rationale how the departure would better meet the intention of specified Design Guidelines; and
- 4) Documentation of approval by SPU of the reconfigured storage area and proposed pick-up program.

It is the expectation of the Board and of the Department that all of the above conditions of approval be incorporated into the MUP plans and be approved by the Land Use Planner prior to issuance of the MUP. With those conditions in place, the Board recommendation approval of the design as presented and requested departures by a vote of 4-0.

### **DIRECTOR'S ANALYSIS & DECISION – DESIGN REVIEW**

The design review process is prescribed in Section 23.41.014.F of the Seattle Municipal Code. At the conclusion of the Final Recommendation meeting held on March 7, 2016, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above. 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 accepts the Design Review Board's recommendations and APPROVES the proposed design and the requested departures, with the conditions summarized at the end of this Decision. The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

### **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 4/14/2015. The Seattle Department of Construction and Inspections (SDCI) 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 analyses: including greenhouse gas emissions, construction-related traffic, parking and noise impacts, as well as possible mitigation, will receive more extensive treatment below.

### 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. Selecting a modular construction method for the top three floors will reduce emissions from the site during construction as well as the emissions generated by transportation of construction materials. Therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### 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 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

Even though modular construction methods will produce substantially less noise and of shorter duration than traditional construction methods, the project is still 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 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays. Surrounding properties, including multifamily residential units directly across N. 109<sup>th</sup> Street to the south and single family residences across Whitman Avenue N., both due west and south west of the site, will be impacted by construction noise. The combined impacts and duration of construction noise in this area warrants additional mitigation to reduce the impacts of construction noise on nearby residents. The limitations stipulated in the Noise Ordinance are therefore not sufficient to mitigate noise impacts at this particular site; therefore, pursuant to SMC 25.05.675.B, the applicant shall be required to limit periods of noise generating construction activities to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by SDCI prior to issuance of a demolition, grading, or building permit, whichever is issued first.

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.

Earth / Soils

Excavation to construct the residential structures will be necessary. Excavation will remove an estimated 4,500 cubic yards of material from the development site to return the site to its original grade. Additionally, 200 cubic yards of soil will be removed to provide for the proposed basement. Smaller quantities of 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 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).

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (PanGEO, November 11, 2014). The study has been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

### 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; possible 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, height bulk and scale, parking 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.

### 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.

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 100 residential units with no off-street vehicular parking spaces. The parking analysis (Transportation Solutions, Inc-TSI, July 24, 2015) indicates a maximum peak demand for this development of 38 vehicles, noting that peak residential demand typically occurs overnight. The number of available on-street parking spaces within the assumed assessment area is 66. This would accommodate all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of Urban Village, frequent transit residential parking impacts in Urban Villages within 1,320 feet of frequent Transit service. This site is located in the Aurora-Licton Springs Urban Village and within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

### Transportation

The Traffic Impact Analysis (TSI, July 24, 2015) indicated that the project is expected to generate a net total of 95 daily vehicle trips, with 17 net new PM Peak Hour trips and 8 AM Peak hour trips. The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. 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).

## **CONDITIONS – SEPA**

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

1. 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>.
2. If the applicant intends to work outside of the limits of the hours of construction described in condition #3, the work schedule must be addressed and forecast in a Construction Noise Management Plan, subject to review and approval by SDCI Noise Abatement staff, and prior to a demolition, grading, or building permit, whichever is issued first. The construction noise management plan shall be incorporated into the Construction Management Plan.

### *During Construction*

3. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm 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 condition #2.

## **CONDITIONS – DESIGN REVIEW**

### *Prior to Issuance of a Master Use Permit*

4. Lot Boundary Adjustment #3020419 shall be issued and recorded.
5. Provide a gated walkway between Whitman Avenue N. and the pathway to the rear ground-floor residential units.
6. Remove any horizontal amenity space for all the residents adjacent the added units.
7. Reconcile extensive area of “pervious pavement” shown on page 27 of packets with the landscaping on 5 of supplemental pages distributed at meeting.

8. The use of artificial turf is unacceptable in this area.
9. The bike storage space must be enclosed and secured (explore converting it into weatherized interior space).
10. Provide clear and direct access within the building from the front entry on N. 109<sup>th</sup> Street to the pathway serving the rear ground-floor residential units; access from Whitman Avenue N. shall be supplemental and secondary.
11. If lacking for Code-required amenity space for residents, restore the rooftop amenity area to the project.
12. Provide greater visual connectivity between the interior amenity space and the exterior amenity space at the rear of the building; likewise, provide greater visual connectivity from the interior amenity space to the bike-storage space.

*For the Life of the Project*

13. 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 (Michael Dorcy, 206-615-1393, [michael.dorcy@seattle.gov](mailto:michael.dorcy@seattle.gov)).

Michael Dorcy, Land Use Planner  
Seattle Department of Construction and Inspections

Date: September 15, 2016

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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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.