



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: 3017926
Applicant Name: Chris Jones, NK Architects
Address of Proposal: 7530 15th Avenue Northwest

SUMMARY OF PROPOSAL

Land Use Application to allow 20 live-work units and 33 townhomes for a total of 53 units. Parking for 70 vehicles to be provided. Existing structures to be demolished. Environmental Review includes future full unit lot subdivision.

The following approvals are required:

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

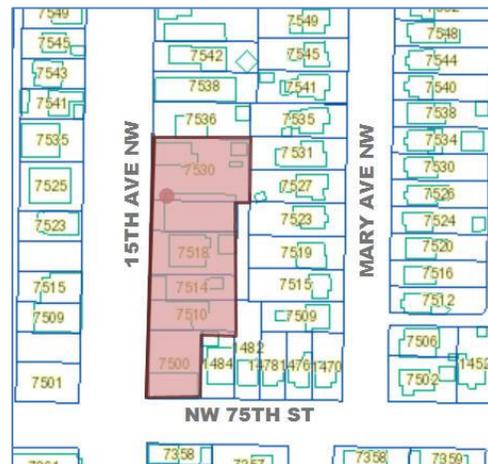
Development Standard Departure to allow a reduction in the required glazing for the vertical surface of structural building overhangs (SMC 23.53.035.B.6.)

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

Development Standard Departure to allow an increase in the permitted amount of live-work units along a principal pedestrian street (SMC 23.47A.004.G.2.)

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

Development Standard Departure to allow a parapet along the north edge of the roof (SMC 23.47A.012.C.7.)



Development Standard Departure to allow vehicular access from a principal pedestrian street (SMC 23.47A.032.A.2.a.)

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

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS

[X] DNS with conditions

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

Site and Vicinity

Site Zone: NC2-40 (Neighborhood Commercial) and NCP2-40

Nearby Zones: (North) NC2-40
(South) NCP2-40
(East) SF 5000 (Single Family)
(West) NC2-40

Lot Area: 35,800 square feet

Current Development:

The subject site currently contains a variety of uses such as automotive repair, dry cleaning, a doughnut shop, and surface parking. Vehicular access is via 15th Avenue Northwest, a rapid ride bus stop is near the intersection with Northwest 75th Street, and a number of street trees line the avenue.

Surrounding Development and Neighborhood Character

The 15th Avenue Northwest corridor between Northwest 77th and 75th Streets is predominately developed with single and two story service commercial uses such as automobile repair, a medical dental office, and hair salon. 15th Avenue Northwest is a five lane arterial with sidewalks, planter strips, and a number of curb cuts to surface parking lots. The single family structures abutting to the east are primarily one story in height, with wood cladding and pitched roofs. One block farther east lays Whittier Elementary School.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: August 20, 2014

DESIGN PROPOSAL

The Early Design Guidance (EDG) Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The booklet is also available to view in the Seattle DCI 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

The architect presented three design options. Each proposed a mix of live-work units along 15th Avenue Northwest, townhouse units behind, and on-site vehicular parking.

Concept One, identified as the code compliant option, included 20 live-work units fronting 15th Avenue Northwest, 20 townhouse units behind, and one-car garages for 19 units with access via two curb cuts on 15th Avenue Northwest. The packet illustrated an Exceptional tree in the unopened right-of-way abutting to the east. This concept proposed preservation of the tree by keeping the structures outside the drip line.

Concept Two offered 19 live/work units, 12 more townhouse units, and parking for 56 cars with one curb cut. The shared interior courtyards and two pedestrian entrances would provide access for pedestrians. Three of the townhouse structures were located on top of the garage podium. No departures were proposed with this concept. Structure was proposed within the drip line of the Exceptional tree, which may compromise the health of the tree.

Concept Three proposed a mix of uses similar to Concept Two. The architect described small townhouse structures and three-story live-work units along the street. The pedestrian courtyard along 15th Avenue Northwest was increased in size, and one curb cut was proposed mid-site. Amenity areas bordered the east property lines adjacent the single-family structures, and structures pierced the drip line of the Exceptional tree. The applicant noted that the townhouse facing Northwest 75th Street and abutting SF 5000 to the east is ten-feet shorter than the live-work units along 15th Avenue Northwest.

PUBLIC COMMENT

The following comments were expressed at and before the Early Design Guidance meeting:

- Encouraged adequate landscaping and the retention of the Exceptional tree;
- Encouraged variety in the massing to allow for natural light;
- Supported corridors between the townhouse structures;
- Encouraged screening to provide privacy between the development and adjacent uses, particularly in relation to the roof decks;
- Concerned about the noise from mechanical equipment, and encouraged adequate screening with landscape;
- Concerned about the loss of views of the Olympic Mountains to the west;
- Noted the location of the bus stop and suggested retaining its location;
- Noted the narrow width of the existing sidewalk on 15th Avenue Northwest, and encouraged a design that widens and enhances the sidewalk for pedestrian safety;

- Encouraged enhancement of the streetscape through the use of secondary architectural features and landscaping;
- Noted the visibility of the east facades, and encouraged a design that ensures all facades are attractive and well-proportioned;
- Encouraged the use of durable and attractive materials that are climate appropriate;
- Noted the adjacent zone transition, and encouraged design that will transition from commercial to residential to the east;
- Noted the proximity of various schools, including Whittier Elementary School two blocks to the east, and expressed concern regarding the interaction of uses along Northwest 75th Street;
- Noted the existence of trees other than those shown in the packet;
- Supported commercial uses along 15th Avenue Northwest;
- Encouraged vehicular access from 15th Avenue Northwest;
- Noted the evolving nature of the neighborhood;
- Encouraged design and site planning to minimize the disruption of privacy and outdoor activities of the adjacent development to the east;
- Encouraged use of lush landscaping along the east property line to provide a buffer; and
- Suggested the corner of 15th Avenue Northwest and Northwest 75th Street be designed as a gateway to the neighborhood, providing extra space for pedestrians and careful detailing.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE November 17, 2014

- 1. Massing.** The Board agreed that Concept Three proposed the best response to the site considering the context and adjacent development. Smaller townhouse structures were preferred to a large apartment structure, as they allow for greater breaks in the massing.
 - a. The Board agreed that the design should minimize shading on adjacent sites through the placement and/or design of structures on site. The Board supported the scale of the townhouse structures of Concept Three, particularly the space between each to allow for maximum daylight for interior and exterior spaces. (CS1-B, CS2-D, CS3-A)
 - b. The Board recommended that the project be arranged to reduce perceived height, bulk, and scale by providing a step between the proposed development and adjacent single family structures to the east. (CS2-A, CS2-D)
 - c. The Board discussed the existing character of 15th Avenue Northwest and Northwest 75th Street, agreeing that 15th functions as a commercial street with high degree of vehicular traffic, and 75th functions as a residential street, providing access to the adjacent single family homes and elementary school. The Board recommended the applicant team evaluate these characteristics and provide a design that responds appropriately (CS2-A, CS2-D).
 - d. The Board discussed the relationship of the proposal to the adjacent single family structures to the east, and recommended the project create an appropriate transition or complement through the use of design and site planning techniques, such as setbacks,

- window placement, landscaping, and/or fencing. The Board requested that a window study be included in the Recommendation packet. This study shall describe the relationship of the project's window placement relative to those of the single family development to the east. (CS1-B, CS2-D, CS3-A)
- e. The Board recommended that the proposal respond appropriately to the single family development to the east through the use of landscaping, buffering, screening, and/or other design techniques (CS2-D, CS3-A).
 - f. The Board agreed privacy is an important consideration and should inform the design of the project. The Board requested that information related to any proposed decks along the east façade be detailed in the Recommendation packet. (CS2-D)
 - g. The Board requested that a detailed sunlight/shadow study be included in the Recommendation packet. (CS1-B, CS2-D)
- 2. Street Level Interaction.** 15th Avenue Northwest and Northwest 75th Street offer distinct pedestrian characters: one strongly vehicular, the other pedestrian, respectively. The Board agreed that each street façade be designed to respond appropriately.
- a. The existing sidewalk along 15th Avenue Northwest appears rather narrow. The Board recommended evaluation of the sidewalk width and encouraged a design that will enhance the pedestrian experience. (CS2, PL1-A, PL1-B, PL2-A)
 - b. Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered. The Board requested that detailed information describing the pedestrian courtyard be included in the Recommendation packet. Visible access to the building entries should be provided. (PL1-B).
 - c. The Board discussed the character of 15th Avenue Northwest and accessibility for alternative modes of transportation. The Board recommended the inclusion of bicycle racks along the street for commercial customers. (PL4-B)
 - d. The live/work units proposed along 15th Avenue Northwest were discussed; the Board recommended these units provide transparency at the street-level. Encourage transparency. The first floor should be designed so it can be adapted to other commercial use as needed in the future. (PL2-B, PL3-B)
 - e. The Board recommended that on-site pedestrian walkways be connected with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project. (PL1-B, PL2-B)
- 3. Design Concept:** With support for the conceptual massing scheme of Concept Three, the Board discussed the importance of developing an architectural concept that is unified and functional, fitting in well with its surroundings, and encouraging human interaction and activity at the street-level. (PL3, DC2)
- a. The Board liked the number of parking spaces proposed, and discussed the potential visual impacts created by the proposed parking podium. The Board requested details of the parking podium be included in the Recommendation packet. Below grade parking was encouraged. (CS2-D, PL3-A, DC1-B, DC1-C, DC4-A)
 - b. The west, south, and east facades will be highly visible; therefore, the Board recommended that all facades be designed considering the composition and architectural expression of the building as a whole. Large blank walls should be avoided, and durable, maintainable materials should be used. (DC2-B, DC4-A).
 - c. The Board discussed the Exceptional tree to the east, and agreed it should be preserved. The Board recommended a design of the building and open space to

- contribute to or create a sense of place; evaluation should be given to the tree relative to how it may frame views of architecture or other prominent features. The Board requested that recommendation from an arborist be included in the Recommendation packet. (CS1-D, CS2-A, CS2-B)
- d. The intersection of 15th Avenue Northwest and Northwest 75th Street provides a highly visible corner for the subject site. The Board agreed that careful detailing at the first three levels is important. (CS2-B, CS2-C, CS3-A)

RECOMMENDATION MEETING: October 5, 2015

DESIGN PROPOSAL

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

The booklet is also available to view in the Seattle DCI 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

PUBLIC COMMENT

The following public comments were expressed at the Recommendation meeting:

- Concerned about the plant choice along the east property line. Prefers large trees and/or plants to preserve privacy.
- Concerned about drainage from site to abutting properties.
- Concerned about trash located on the narrow sidewalk of 15th Ave NW.
- Encouraged flexibility in the design such that the live/work spaces could be converted to commercial only.
- Supported the driveway on 15th Ave NW, finding it preferable to NW 75th St.
- Encouraged an underground garage to reduce the height of the project.
- Concerned about the concrete wall along the east property line, finding it imposing over the single family development to the east.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

RECOMMENDATION October 5, 2015

1. Site Planning and Public Realm.

- a. Live/work units are proposed along 15th Ave NW. The Board agreed the ground level spaces are designed with flexibility for future conversion to commercial/retail spaces. The Board supported live/work units at this location.
- b. In discussing the flexibility of the ground level space, the Board questioned the ability of the corner live/work unit (at the intersection of 15th and 75th) to combine with other spaces in the future. The Board recommended careful attention and planning of the ground level spaces to ensure flexibility. (PL1-B, PL2-B)
- c. The Board noted that the building appears to step up with the existing topography of the site, resulting in an increase in perceived height, bulk, and scale. The Board discussed the feasibility of depressing the structure into the ground, particularly at the northeast portion of the site and agreed there may be an impact on circulation and accessibility within the site. The Board recommended submittal of a study exploring this condition and reducing the perceived height (at the east portion of the site) as much as possible. (DC1-C, DC2-A)
- d. The Board supported the breaking up of the mass and was pleased to see a generous setback along the east property line at the northeast portion of the site. Despite the setback at the east property line, however, the Board expressed concern about the large concrete wall facing the single family development to the east. The Board encouraged the applicant to continue working with the neighbors to select planting materials and/or other architectural solution to soften the wall and reduce perceived height. (CS2-D, DC2-A, DC2-B, DC4-D)

2. Architectural Concept.

- a. Brick is proposed at the ground level along 15th Ave NW and wraps the corner to the south elevation (along NW 75th). The Board supported the use of brick at the ground level and recommended it remain as shown in the Recommendation packet. (DC4-A)
- b. Interlocking with the brick at the ground level are projecting structural building overhangs clad in cedar siding. The Board supported these bays, and their arrangement with the brick below. (DC4-A)
- c. The structural building overhangs along 15th are treated with white vinyl windows. The Board agreed the amount of glazing clearly articulated the residential use on the second and third floors, while the storefront windows on the ground floor communicated a commercial language. (DC4-A)
- d. Rooftop terraces and decks face east toward single family development. To increase privacy, the Board recommended placing landscaping planters along the east parapet of each building. (PL3-B)

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-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.

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

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

CS2-A Location in the City and Neighborhood

CS2-A-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-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

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

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-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.

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-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-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 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-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-C Planning Ahead For Transit

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.

DESIGN CONCEPT

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

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-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

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

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-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-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.

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-D Trees, Landscape, and Hardscape Materials

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

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

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 time of the Recommendation the following departures were requested:

1. **Structural Building Overhangs (SMC 23.53.035.B.6.):** The Code requires that 50% of the area of all vertical surfaces of the structural building overhang be glazed. The applicant proposes a reduction in this requirement to 40% of the vertical surface along 15th Ave NW and 33.6% along NW 75th St.

The Board unanimously voted in support for the departure. The bays project from the structure two-feet: the Board noted that adding additional glazing would negatively impact the privacy of adjacent units and negatively contribute to the architectural concept of the west elevations. (DC2-B, DC3-A)

2. **Live-Work Uses in Pedestrian Zones (SMC 23.47A.004.G.2.):** The Code allows a maximum of 20% of the street-level street-facing façade to contain live-work units along a principal pedestrian street. The applicant proposes that live-work units occupy 86% of the street-level street-facing façade along 15th Ave NW.

The Board unanimously voted in support for the departure, agreeing the neighborhood is in transition, and live-work units are an appropriate response for the context. Furthermore, the Board agreed the units are designed with flexibility to convert to commercial in the future if needed. (PL1-B, PL2-B, PL3-B)

3. **Rooftop Features (SMC 23.47A.012.C.7.):** The Code requires non-firewall parapets to be at least 10-feet from the north edge of the roof unless demonstrated that they will not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR. The applicant proposes a parapet along the north edge of the roof.

The Board unanimously voted in support for the departure. The Board agreed that the setback along the north property line achieved the goal of lessening shadow impacts and increasing light and air to the north. Furthermore, the continuous parapet contributes to the consistency of the architectural concept and façade composition. (CS1-B, DC2-B)

4. **Parking Access (SMC 23.47A.032.A.2.a.):** The Code requires vehicular access to be provided from a street that is not a principal pedestrian street. The applicant proposes vehicular access from 15th Ave NW, a principal pedestrian street.

The Board unanimously voted in support for the departure. The Board discussed the existing character of 15th Avenue Northwest and Northwest 75th Street, agreeing that 15th functions as a commercial street with high degree of vehicular traffic, and 75th functions as a residential street, providing access to the adjacent single family homes and elementary school. The

Board agreed that vehicular access on 15th provides a better response to the existing context and minimizes conflict between vehicles and non-motorists. (DC1-C)

BOARD DIRECTION

The recommendation summarized above was based on the design review packet dated Monday, October 05, 2015, and the materials shown and verbally described by the applicant at the Monday, October 05, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the three Design Review Board members recommended APPROVAL of the subject design and departures with the following recommendations.

BOARD RECOMMENDATIONS

1. Submit a study exploring the existing topography and the feasibility of depressing the structure into the ground, particularly at the northeast portion of the site, to reduce perceived height.
2. Maintain the brick proposed at ground level along 15th Ave NW that wraps the corner to the south elevation.
3. Place landscaping planters along the east parapet of each building.

DECISION – DESIGN REVIEW

Director's Analysis

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

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. The Director of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director

of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle *Design Review Guidelines for Multifamily and Commercial Buildings*. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified; therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS - SEPA

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

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

The *SEPA Overview Policy* (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA Overview Policy* states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

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

PUBLIC COMMENT

The SEPA public comment period ended July 16, 2015 after a request for an extension. Comment received expressed concerns about impacts to on-street parking, traffic, height, bulk, and scale, and privacy.

A. SHORT-TERM IMPACTS

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

Air Quality/Greenhouse Gas Emissions

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

Construction Impacts: Parking, Traffic, and Noise

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to impact the supply of on-street parking.

Furthermore, approximately 2,350 cubic yards of soil are expected to be excavated from the project site. The soil removed will not be reused on site, requiring disposal off site. Excavation and fill activity will require approximately 235 round trips with 10-yard hauling trucks or 118 round trips with 20-yard hauling trucks.

It is the City's policy to minimize temporary adverse impacts associated with construction activities. The *Street Use Ordinance* contains regulation that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation (SDOT). SEPA conditioning is not warranted to mitigate construction impacts pursuant to *SEPA Policy SMC 25.05.675.A*.

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 in Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones. 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.

B. LONG –TERM IMPACTS

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

Air Quality/Greenhouse Gas Emissions

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

Environmental Health

The SEPA Checklist and technical memorandums from Whitman Environmental Sciences (February 21, 2014 and September 11, 2014) identify the presence of contaminated soils on site. The memorandums further describes existing site, soil, and groundwater conditions, and provides recommendations future mitigation. The site does or has previously contained uses such as a gas station, a muffler repair shop, dry cleaning, print shop, a donut shop, and residential uses. The analysis found the existence of a heating oil tank and hydraulic lifts. The report concludes that no petroleum, volatile organic compounds, or cadmium were detected in any of the test samples; however, arsenic and lead were detected. Concentrations of the arsenic and lead do not violate applicable Washington State cleanup criteria and are within the ranges that would be considered natural background conditions. The report concludes that significant amount of petroleum-contaminated soil will likely not be encountered during building removal and excavations, but if contaminated soil is found it will be managed pursuant to federal and state law.

If not properly handled, existing soil and water contamination could have an adverse impact on environmental health. Mitigation of soil contamination and remediation is the jurisdiction of Washington State Department of Ecology Model Toxics Control Act (WAC 173-340). The Voluntary Cleanup Program mitigates risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act and the Code of Federal Regulations (CFR 1910.120). Pursuant to the *SEPA Overview Policy SMC 25.665.E*. such a condition is contained herein.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of height, bulk and scale; see the above *Design Review Analysis* for details of the process and design changes. "The

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

Historic Preservation

The subject site contains eight primary and accessory structures with associated storage and asphalt surface parking areas. All structures are proposed for demolition and appear to be greater than 50-years old. Seattle DCI referred the proposal to the Department of Neighborhoods (DON) for review per SMC 25.05.675.H.2.c. Based on the review of the referral, DON has determined that it is unlikely that any of the subject buildings would meet the standards for designation as an individual landmark due in part to loss of historic materials and integrity (LPB 453/15). No mitigation is warranted pursuant to *SEPA Policy* SMC 25.05.675.H.

Plants and Animals

It is the City’s policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value. A priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals (SMC 25.05.675.N). Abutting the site to the east is an existing Western White Pine. The arborist report (Arbor Options Consulting Arborists, July 17, 2014) identifies this tree as Exceptional; however, this tree is located in the adjacent unopened, undeveloped right-of-way. While a tree protection area is not required on the subject site, the project responds to this tree by providing modulating and setting back the mass from the east property line, and providing ground level private amenity area. The tree is intended to remain. On site, the arborist report found three significant trees, including an English Walnut, American Arborvitae, and a Caucasian Spruce. All trees are proposed for removal and replacement with trees such as a Butterfly Japanese Maple and Dawyck Beech. Seattle DCI Senior Environmental Planner has reviewed the arborist report and site and landscape plans and concurs with the Arborist’s findings. No conditioning or mitigation pursuant to *SEPA Policy* SMC 25.09.675.N. is warranted.

Transportation

The proposal includes vehicular access via 15th Ave NW, a principal pedestrian street. A departure request for this access was supported by the Design Review Board and the Traffic Impact Analysis (Gibson Traffic Consultants, March 2015), which estimates that approximately 95% of the development traffic will utilize 15th Ave NW while five-percent will travel on NW 75th St. In total, the project is estimated to generate -31 new daily trips, 18 new AM peak-hour trips and seven new PM-peak hour trips. The development traffic is not anticipated to cause the study intersections to degrade to an unsatisfactory level of service, and on-site vehicular parking for 71 vehicles. The traffic impact analysis estimates the project will create a demand of approximately 63 spaces that can be satisfied by the proposed parking plan.

King County Metro reviewed the proposal and provided comment relative to an existing transit stop on 15th Ave NW. Any long-term bus stop relocation requests with existing shelter removal are required to obtain a permit from King County Metro and SDOT. The applicant shall contact King County Metro's Construction Information Center for construction-phase coordination (Kriedt, September 22, 2015).

The Seattle DCI Senior Transportation Planner reviewed the information, traffic analysis, and plans, and has determined that while these impacts are adverse, they are not expected to be significant. No mitigation is warranted pursuant to *SEPA Policies* SMC 25.05.675.M. and SMC 25.05.675.R.

Summary

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

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

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

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

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

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy:

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner, Carly Guillory.
2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner, Carly Guillory.

For the Life of the Project:

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

SEPA – CONDITIONS OF APPROVAL

For the Life of the Project:

4. In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act and the Code of Federal Regulations (CFR 1910.120).

Carly Guillory, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 25, 2016

CG:drm

K:\Decisions-Signed\3017926.docx

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.