



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 SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018252
Applicant Name: Jon O'Hare for Garden Studios, LLC
Address of Proposal: 1517 Bellevue Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story structure containing 45 residential units, 5 live-work units and 771 sq. ft. of retail space. Existing 2-story building to be demolished.

The following approvals are required:

Design Review with departures pursuant to Chapter 23.41, Seattle Municipal Code.

Development Standard Departure to allow less transparency the required. (SMC 23.73.014.3): *

Development Standard Departure to allow less floor to ceiling height the required. (SMC 23.73.014.A.1): *

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

*Departures are described at the end of the Design Recommendation summary.

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site Zone: NC3P-65 (Neighborhood Commercial Pedestrian – 65)

Nearby Zones: Directly to the north, south, east and west the zone is NC 3P-65. Further to the west the zone is NC 3P-85 and further to the south and northeast the zone is MR.

Lot Area: 5,250 square feet

Environmentally Critical Areas: None

Access: The site has access from Bellevue Ave.

Current Development: The site is occupied by a two-story brick clad apartment building constructed in 1953.

Surrounding Development: Directly to the north, the site is under construction with a 7-story mixed use 180 unit apartment building, under project MUP #3013342. Directly to the south is a 3-story brick apartment building constructed in 1925. Directly to the west is a 4-story brick apartment building constructed in 1916. Across Bellevue Ave E is a 7-story brick and masonry apartment building constructed in 1926. The First Covenant Church located at the corner of Bellevue Ave E and E Pike St. was built in 1910 and is a designated Landmark structure.

Neighborhood Character: The site is located in the Pike/Pine conservation overlay which strives to preserve the facades of “character structures” and industrial “auto row” style buildings. The site, located in the Pike/Pine corridor, has ample walking access to small scale retail, eating and drinking establishments. The recently renovated Melrose Market is a block to the west. Downtown and the Convention Place bus tunnel station are two blocks away, after crossing over I-5 to the west. The site has good access to public transportation to and from Downtown, Madison Valley, north Capitol Hill and the University District.

Public Comment:

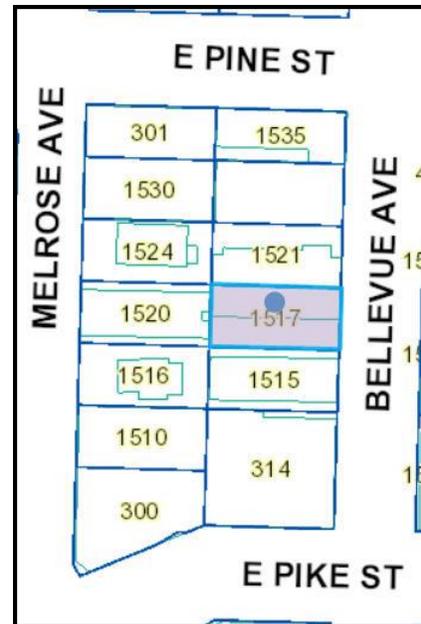
The public comment period ended on April 1st, 2015. Comment(s) were received through the Design Review process. No other comments were received in response to this public comment period.

DESIGN REVIEW

EARLY DESIGN GUIDANCE December 3, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number 3018252 at this website:

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



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

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

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

Option 1 showed 46 studio residential units and amenity space in the six upper floors. The ground level included 3 residential loft units, solid waste storage, storage, bike storage, the residential lobby and 475 sq. ft. of retail space. The rectangular massing is set back from the front, rear and south side lot line with the deepest setback along the middle of the south lot line. An open space courtyard will be provided in the setback area. The residential lobby entry is located off of Bellevue Ave E. The upper levels set back from south lot line along Bellevue Ave E.

Option 2 showed 54 studio residential units in the six upper floors. The ground level included 3 residential units, solid waste storage, storage, bike storage, the residential lobby and 550 sq. ft. of retail space. The rectangular massing is set back from the front, rear and south side lot line with staggering setback distances from the south lot line. An open space courtyard will be provided in the setback area. The residential lobby entry is located in the south façade off the access ramp to the courtyard.

Option 3 was the preferred option and showed 45 residential units in the six upper floors. The ground level included 5 live/work units, solid waste staging, the residential lobby and 700 sq. ft. of retail space. Solid waste storage, bike storage, storage and a gym and pet spa will be located in a basement. The rectangular massing is set back from the front, rear and south side lot line with staggering setback distances from the rear and south lot lines. An open space courtyard will be provided in the setback area. The residential lobby entry is located in the south façade off the courtyard.

PRESENTATION

The applicant noted that the exterior materials being considered are brick, metal and glass. The four-foot setback from Bellevue Ave is due to on-site utility requirements.

PUBLIC COMMENT

Members of the public attended the Early Design Guidance Meeting. The following comments were offered:

- Supported the placement of the development of the site with the setbacks from the west and south lot lines and the abutment with the project to the north.
- Supported the proposed materials.

- Wanted verification that the development is allowed an extra 4' of height. [Staff note: As the project is within the Pike/Pine overlay the extra 4' of height is allowed per SMC23.73.014.A.]

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: December 3rd, 2014

- 1. Massing and Design: Three of the four Board members present preferred Option 3. The Board gave direction to execute the option providing a design with safety and functionality. There was some concern about the street-facing facade not spanning the full width between the side lot lines as the Pike/Pine Neighbor guidelines direct. (CS2.C.2, CS2.IV.i, CS2.IV.ii, CS2.IV.iii, PL2.B, DC2.B)**
 - a. Maintain the layout and setback from the south property line. (CS2.D.5, CS2.IV.iii)
 - b. Design a stronger street edge. (CS2.C.2, CS2.IV.i, CS2.IV.ii)
 - c. Locate the bike storage area so it has easier access. (PL4.B.2)
 - d. Redesign the northwest corner where the building services are located. (CS2.C.2, CS2.IV.i, PL2.B, DC1.C.4)
- 2. Materials: The Board supported the proposed materials choices of brick and metal. (DC4.A, DC4.I.i)**
 - a. Use these quality materials on the three visible elevations. (DC2.B.1, DC4.A, DC4.I.i)
- 3. Street Frontage: The Board was concerned about the 4' setback from the street property line for the utility manhole. The applicant responded that the manhole needs to be on site near the street facing property line so that access can be from the street. There was concern about the security, aesthetics and functioning of the service entry. The Board noted that a gate in front of the entry is not a solution to the problem. (CS2.C.2, CS2.IV, PL2.B, DC1.C.4)**
 - a. Design a stronger street edge. (CS2.C.2, CS2.IV.i, CS2.IV.ii)
 - b. Diminish the service entry size and provide security for that area that will function and be visually pleasing. (PL2.B, DC1.C.4)
 - c. Consider spanning the full width between the side lot lines along the street level. (CS2.C.2, CS2.IV.i, CS2.IV.ii)
 - d. Provide transparency along the street edge. (PL2.B.3, PL3.C.2)
- 4. Courtyard: The Board expressed they thought the courtyard had potential to be a well-designed quality space. (DC3.B.1, DC3.C.2, DC4.D.2)**
 - a. Maintain the setback from the south property line. (CS2.D.5, CS2.IV.iii)
 - b. Consider the location of the windows of the existing building to the south when designing the courtyard and landscaping. (CS2.D.5, CS3.I)

5. At the Recommendation Meeting provide the following:

- The north elevation, with window locations, of the existing structure to the south.
- A study of how the proposed south elevation windows will line up with the existing windows to the south.
- Sketches of the northeast corner.
- A basement floor plan.
- Site sections showing the scale and design of the courtyard.

RECOMMENDATION MEETING July 22, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number 3018252 at this website:

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

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

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

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The applicant presented a design in response to the guidance given at the EDG meeting.

PUBLIC COMMENT

Members of the public were present at the meeting and offered the following comments.

- Commented that the design was beautiful
- Noted that having a bocce court on the roof sounded unsafe.
- Encouraged the live/work units be designed with the flexibility to allow more active uses in the future.
- Requested the applicant to participate in the Melrose Promenade program that will be implemented in 2016.
- Supports the massing, materials, setbacks, amenities and relationship to the neighboring surroundings.

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 MEETING: July 22, 2015

- 1. MASSING and DESIGN CONCEPT: The Board was pleased with the design and materials of the development noting the street facing facade is very elegant. There was debate about the design of the projections (bay windows) into the courtyard on the south elevation with the Board coming to the conclusion that they were fine, as the material colors of the projections and surrounding elevation are the same dark color. ((DC2.B.1, DC4.A.1, DC4.I.i)**
 - a. Keep the projections at the south elevation the same color as the elevations they project from. (DC2.B.1)

- 2. RESIDENTIAL AND SERVICE ENTRIES: The Board supported the extended street facade at the lower level with the residential entry gate into the courtyard. They gave recommended conditions to create more transparency into the courtyard to enhance the pedestrian experience. (CS2.IV.i, PL2.B.3)**
 - a. Provide more transparency at the residential gate. (PL2.B.3, PL3.A.2)
 - b. The Board supported that the service gate is a similar design to the residential entry gate, but did not support making the service gate more transparent. (DC2.B.1)
 - c. Consider how signage for the live/work units off the courtyard will work and design an area for the signage along the street frontage. (DC4.B)

- 3. RETAIL ENTRY: The Board was not supportive of the entry to the retail space being lower than the sidewalk elevation and gave the applicant guidance to make the retail entry level with the sidewalk. The Board supported the use of a departure to allow this to happen. They recommended the following conditions: (CS2.IV.i, PL3.C.1)**
 - a. Design the retail entry to be level with the sidewalk. (CS2.IV.i, PL3.C.1)
 - b. Raise the floor level at the retail space to be level with the sidewalk. A departure from the required 13' floor to floor height will be granted, up to 2' as needed. See Departures at the end of the report. (CS2.IV.i, PL3.C.1)
 - c. Provide a visual and physical barrier between the residential entry gate and the retail entry area.(PL3.A.4)

- 4. BIKE STORAGE: The Board was not pleased with the 'open' basement location for bike storage and had much discussion about this arrangement, agreeing that the design needed to provide a better location and access to bike storage. The following conditions were recommended:**
 - a. Provide bike storage at grade level that if located outside, is covered. (PL4.B.2)
 - b. Any inside bike storage area should be secured so it is not open to other uses. (PL4.B.2)
 - c. Appreciated the dog-shaped bike rack. (DC2.C.2)

5. **OPEN SPACE and LANDSCAPING: The Board supported the landscape concept and plan, but encouraged further design to provide light and openness to the courtyard. (DC2.D.1, DC3.B.1)**
- a. Design the courtyard to feel wider. (DC3.B.1)
 - b. Consider lighter material colors at the setback areas. (DC2.D.1)

DESIGN REVIEW GUIDELINES

The priority Citywide and Pike/Pine 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

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

CS2-A Location in the City and Neighborhood

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

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

CS2-C Relationship to the Block

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

CS2-D Height, Bulk, and Scale

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

Pike/Pine Supplemental Guidance:

CS2-IV Small Lot Development

CS2-IV-i. Impact on the street environment:

- a. Maintain solid massing of the street wall.
- b. Site driveways and design vehicular garage entrances so that they do not dominate the street front.
- c. Orient the structure's street level uses, building entrances, and service areas so that street-level priorities for commercial and pedestrian activity are not compromised.

CS2-IV-ii. Continuous Street Wall: In order to maintain a continuous street wall, front setbacks are discouraged.

- a. "T" or "L" shaped structures that maintain a continuous street wall while allowing setbacks from shared lot lines on the interior of the lot are preferred over setbacks of upper floors fronting the street.
- b. Ground level front setbacks may be appropriate in limited circumstances to enhance the project's relationship to the pedestrian environment by providing such features as wider sidewalks, space for residential entries, or other pedestrian amenities.
- c. In some circumstances, an upper level front setback may be appropriate to better relate a taller new structure to the prevailing height of adjacent character structures.

CS2-IV-iii. Setbacks: Provide appropriate rear and side setbacks. Side and rear setbacks are most important on the upper floors of portions of the structure that do not face the street. Maintaining a continuous street wall to preserve the streetscape character at ground level generally takes precedence.

- a. Provide setbacks from side and rear lot lines to maximize access to light, air, and usable space between structures and to minimize exposed blank walls.
- b. Avoid blank walls on the sides of structures that abut neighboring lots, while recognizing the potential for abutting development in the future. In general, blank walls are discouraged.
- c. Use the rear of the lot for parking or other open areas. Rear setbacks may be used to create light courts, seating areas, or courtyards.

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

Pike/Pine Supplemental Guidance:

CS3-I Height, Bulk, and Scale Compatibility and Pike/ Pine Scale and Proportion

CS3-I-iii. Opening Proportions: Keep the proportions of window and door openings similar to those of existing character structures on the block or in the neighborhood.

CS3-I-iv. Window Context: Use windows compatible in proportion, size, and orientation to those found in character structures in the surrounding area.

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

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

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

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

PL3-B Residential Edges

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

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

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.

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

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

Pike/Pine Supplemental Guidance:

PL3-I Transition Between Residence and Street

PL3-I.i. Residential Entryways: Residential entryways that feature heavy or contrasting trim, distinctive materials and a link to the surrounding streetscape are encouraged.

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.

DESIGN CONCEPT

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

DC1-C Parking and Service Uses

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

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

DC2-B Architectural and Facade Composition

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

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

DC2-D Scale and Texture

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

Pike/Pine Supplemental Guidance:

DC2-I Height, Bulk, and Scale Compatibility and Pike/Pine Scale and Proportion

DC2-I-i. First Floor Facade: Design the first floor façade to encourage a small-scale, pedestrian-oriented character.

- a. Visually separate the ground floor spaces to create the appearance of several smaller spaces 25 feet to 60 feet wide.
- b. Repeat common elements found in neighborhood commercial buildings, such as clearly defined primary entrances and large display windows.
- c. Provide generous floor to ceiling heights on the ground floor with a high degree of transparency.
- d. Consider variations in the street-level facade, such as shallow recesses at entries or arcades, to add variety.

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

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-C Design

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

Pike/Pine Supplemental Guidance:

DC3-II Landscaping to Enhance the Building and/or Site

DC3-II-i. Public Space Enhancement: The creation of small gardens and art within the street right-of-way is encouraged in the Pike/ Pine neighborhood in order to enhance and energize the pedestrian experience. This is especially desirable for residential and mixed use developments as well as a means to distinguish commercial areas from institutional areas. Providing vertical landscaping, trellises or window boxes for plants is also desirable. Street greening is specifically recommended along listed streets.

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-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas

through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

Pike/Pine Supplemental Guidance:

DC4-I Exterior Finish Materials

DC4-I-i. Preferred Materials: New development should complement the neighborhood's light industrial vernacular through type and arrangement of exterior building materials. Preferred materials and approaches include:

1. Brick, masonry, textured or patterned concrete, true stucco (Dryvit is discouraged), with wood and metal as secondary or accent materials;
2. Other high quality materials that work well with the historic materials and style of neighboring buildings;
3. Limited number of exterior finish materials per building; and
4. High quality glazing and trim as a vital component of exterior finish.

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 Meeting one departure was requested. The Board also expressed their willingness to recommend and approve a second departure as needed to meet a Board condition for the project, which the applicant did use to meet the Board condition, see below.

1. **Pike/Pine Overlay Facade Transparency (SMC 23.73.014.A.3):** The Pike/Pine Overlay District code has certain requirements when a structure is taking the additional 4' allowed above the base 65' height limit. The transparency requirements for street-facing facades in subsection 23.47A.008.B.2 for 60% transparency need to be met for the portion of the street-facing facades between 2 feet and 12 feet above the sidewalk. Only clear or lightly-tinted glass shall be considered transparent. The applicant is proposing 48% transparency instead of the required 60%.

This departure would provide an overall design that would better meet the intent of Design Guideline **CS2-IV-i. Impact on the street environment:** *Maintain solid massing of the street wall.* As part of the EDG guidance the Board encouraged the applicant to extend the street level facade from side lot to side lot line, which the applicant provided. By doing so, the area used to measure facade transparency requirements has been increased thus a departure is needed to provide the massing along the street edge.

The Board voted unanimously to recommend this departure.

2. **Pike/Pine Overlay Height (SMC 23.73.014.A.1):** The Pike/Pine Overlay District code has certain requirements when a structure is taking the additional 4' allowed above the base 65' height limit. The code requires a floor-to-ceiling height of the street-level uses or live-work units located at street level to be 13 feet or more. The Board directed the applicant to provide a floor level at the retail space that is level with the sidewalk and specified that a departure from the required 13' floor to ceiling height may be granted, up

to 2' as needed. The applicant has determined the height of the street-level retail space will have a floor to ceiling height of 12'-0 ½".

This departure would provide an overall design that would better meet the intent of Design Guideline **CS2-IV-i. Impact on the street environment:** *Orient the structure's street level uses, building entrances, and service areas so that street-level priorities for commercial and pedestrian activity are not compromised* and **PL3-C-1. Retail, Porous Edge:** *Engage passersby with opportunities to interact visually with the building interior and make a physical and visual connection between people on the sidewalk and retail activities in the building.*

The Board voted unanimously to recommend this departure.

BOARD RECOMMENDATIONS

The recommendation summarized below was based on the design review packet dated July 22nd 2015, and the materials shown and verbally described by the applicant at the July 22nd 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, five Design Review Board members recommended **APPROVAL** of the subject design and of the requested departures with the following conditions:

1. Provide more transparency at the residential gate. (PL2.B.3, PL3.A.2)
2. Consider how signage for the live/work units off the courtyard will work and design an area for the signage along the street frontage. (DC4.B)
3. Design the retail entry to be level with the sidewalk. (CS2.IV.i, PL3.C.1)
4. Raise the floor level at the retail space to be level with the sidewalk. A departure from the required 13' floor to floor height will be granted, up to 2' as needed. See Departures at the end of the report. (CS2.IV.i, PL3.C.1)
5. Provide a visual and physical barrier between the residential entry gate and the retail entry area.(PL3.A.4)
6. Provide bike storage at grade level that if located outside, is covered. (PL4.B.2)
7. Any inside bike storage area should be secured so it is not open to other uses. (PL4.B.2)
8. Design the courtyard to feel wider. (DC3.B.1)
9. Consider lighter material colors at the setback areas. (DC2.D.1)

ANALYSIS & DECISION – DESIGN REVIEW

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

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

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

Director's Analysis

Five members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment 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. 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.

Applicant response to Recommended Design Review Conditions:

- 1. The applicant responded on the MUP plans by showing a detail of the metal entry gate with larger perforations than what was presented in the Final Recommendation meeting packet, therefore satisfying recommendation #1.*
- 2. The applicant responded on the MUP plans by showing a detail of a live/work signage board next to the metal entry gate, therefore satisfying recommendation #2.*
- 3. The applicant responded on the MUP plans by showing a design where the retail entry is level with the sidewalk, therefore satisfying recommendation #3.*
- 4. The applicant responded on the MUP plans by showing a design where the retail entry is level with the sidewalk, a departure was granted and use to meet this condition, see Departure #2, therefore satisfying recommendation #4.*
- 5. The applicant responded on the MUP plans by showing a raised landscaped planter and arbor framing between the residential entry gate and the retail entry, therefore satisfying recommendation #5.*
- 6. The applicant responded on the MUP plans by showing a details of a two covered exterior bike parking areas, therefore satisfying recommendation #6.*
- 7. The applicant responded on the MUP plans by showing a separate enclosed interior bike parking room, therefore satisfying recommendation #7.*
- 8. The applicant responded on the MUP plans, with design measures such as relocating and lengthening the arbor members and widening the entry sequence, therefore satisfying recommendation #8.*
- 9. The applicant responded to the Land Use Planner, saying they considered lighter materials in the setback areas of the courtyard but felt that the design was more cohesive with the darker elevation colors and noting that the paving will be light grey precast pavers, therefore satisfying recommendation #9.*

The Director is satisfied that 1-9 of the recommendations imposed by the Design Review Board have been met. The Director accepts the Design Review Board's recommendations.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision Board that further augment the selected Guidelines.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle 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 January 21, 2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or its agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

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

A Construction Management Plan will be required, 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 are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F

Construction Parking and Traffic

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

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

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

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare. 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 emissions; historic preservation; traffic and transportation; and parking impacts 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.

Historic Resources

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 379/15). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted for these structures, per SMC 25.05.675.H.

The site is across the street from a designated historic landmark (First Covenant Church). The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and did not recommend changes to the proposed design. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

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

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

these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

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

Parking

The proposed development includes 45 residential units with no off-street vehicular parking spaces. The traffic and parking analysis (Traffic & Parking Analysis by TENW [Transportation Engineering Northwest]), dated April 1, 2015 and February 1, 2016 indicates a peak demand for approximately 21 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 88 % within 800’ of the site. The proposed development peak demand of 21 parking spaces would not be accommodated by the proposed development, resulting in a spillover demand for 21 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 95%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 109 % within 800’ of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in the Capitol Hill Urban Center. This site is located in the Capitol Hill Urban Center. 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 (Traffic & Parking Analysis by TENW [Transportation Engineering Northwest]), dated April 1, 2015 and February 1, 2016 indicated that the project is expected to generate 103 new net vehicular daily weekday trips with 6 net new trips occurring during the weekday AM peak hour and 10 new trips occurring during the PM peak hour. The volume to capacity ratios (V/C) with the development are below the adopted LOS standard. The project will meet the City’s transportation concurrency ratings.

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

DETERMINATION OF NON-SIGNIFICANCE

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).

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.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

1. A 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>.

DESIGN REVIEW - CONDITIONS OF APPROVAL.

Prior to Certificate of Occupancy

2. 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov) or a Seattle DCI assigned Land Use Planner.

Beth Hartwick, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: April 11, 2016

BH:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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