



**City of Seattle**  
Edward B. Murray, Mayor

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**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:** 3018617  
**Applicant Name:** Jill Burdeen  
**Address of Proposal:** 403 Belmont Ave E

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 7-story structure containing 47 residential units. Parking for 16 vehicles to be provided below grade. Existing residential structures to be demolished.

The following approvals are required:

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

**Development Standard Departure** to allow a side setback less than required 5' minimum. (SMC 23.45.518.B)

**Development Standard Departure** to allow south façade decks to project more than 4' maximum into required setbacks. (SMC 23.45.518.1.I)

**Development Standard Departure** to allow east façade decks to project more than 4' maximum into required setbacks. (SMC 23.45.518.1.I)

**Development Standard Departure** to allow a portion of garage to project higher than 4' above grade. (SMC 45.536.B.3)

**Development Standard Departure** to allow a rear setback less than the required 10' minimum. (SMC 23.45.518.B)

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

**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

## **BACKGROUND INFORMATION**

**Location:** The site is located at the northwest corner of the intersection of E Harrison Street and Belmont Ave E.

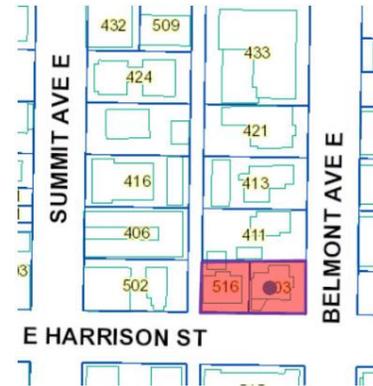
**Zoning:** Midrise (MR)

**Parcel Size:** 7,207 square feet.

**ECAs:** None.

### **Site Development**

The site contains two single family homes, built in the early 20<sup>th</sup> century. The site slopes up approximately 13 feet from west to east.



The subject property has vehicular access to a north-south alley via a curb cut midblock on E Harrison Street.

### **Surrounding Development and Neighborhood Character**

The site is located on the northwest corner of E Harrison Street and Belmont Ave E, within the densely-developed residential area of West Slope District of Capitol Hill.

The immediate context has a well-established character, defined largely by the many traditional brick apartment buildings. Other building typologies are a mix of styles and scales, including monolith condominiums, low-rise apartments with exterior walkways or units overhanging parking, modern multi-family midrise buildings, and some single family homes.

Broadway Ave E, a commercial corridor, is three blocks to the east of the site, and connects the area to Montlake to the north, and First Hill and Yester Terrace to the south.

The area is served by frequent transit bus routes, and will be served by the future Capitol Hill Light Rail Station.

### **PUBLIC COMMENT:**

The public comment period ended on May 13, 2015. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

## **I. ANALYSIS – DESIGN REVIEW**

**EARLY DESIGN GUIDANCE February 11, 2015**

## DESIGN DEVELOPMENT

The packet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) at this website:  
[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

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

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

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

The applicant provided context for the project, focusing on building typologies. The applicant noted that many of the traditional brick apartment buildings found throughout the West Slope District are have little modulation or undifferentiated corner treatments. More recent buildings draw from these typologies with restrained modulation, but employ an expanded material palette and emphasize corner conditions. The applicant also provided examples of typical courtyards, sloped site treatments, and balconies from the neighborhood context.

The applicant showed early schematics that explored the design development of general floorplan and circulation. One option, the “bar” scheme, included north facing units and two separated stair penthouses. The “consolidated core” scheme, which was carried forward as the conceptual layout for the three massing options maximizes views toward downtown, Mt. Rainier, and the Puget Sound. This layout also consolidates the stair penthouses at the interior of the site, and maximizes the south-facing units.

Due to the steeply sloping site, access to the below-grade parking from the alley is proposed close to the southwest corner of the building.

The applicant showed three massing options at the EDG meeting. The code compliant scheme featured the main entry and residential lobby centered along E Harrison Street. This option showed little open space at grade, and private balconies for all units.

Option 2 and the preferred option (Option 3) establish a relationship to the corner with a corner entry emphasized by prominent massing. In Option 2, the corner element is pushed out over a one-story residential lobby and entry terrace, accessible from E Harrison and Belmont Ave E. The departures were requested for Option 2 were to project into the front setback, project into the side setback, and the location of parking.

In Option 3, the massing pulls back from the corner to provide an entry courtyard. The residential lobby is two stories, and is further pulled back from the corner to leave an overhang over a portion of the entry courtyard. Both options also provide private terraces at the ground level that wrap around the building. All units have private balconies. The departures requested for this option were to reduce the minimum depth of the courtyard, project the balconies on the

east side of the building into the setback, for the parking garage to project into the rear setback, and to allow the parking garage to extend higher than 4'-0" above finished grade.

All three options use simple modulation. The applicant noted that the decision for this was based on the existing building typologies in the neighborhood and the size of the structure; the applicant expressed the intention to use high-quality materials such as brick to reduce the appearance of bulkiness of the structure and fit in with the surrounding context.

The conceptual landscape plan showed a buffer along the south edge, between the protruding terraces/parking garage and the sidewalk. Street trees and planter strips are shown on both street frontages. The terraces along the south end of the building would be at grade on the southeast corner of the building and remain at the same level along the south of the building, to become approximately 9'-9" above grade at the southwest corner of the building. The applicant provided a character sketch of potential landscape buffering along the south terrace wall. The patios along the east side of the building are shown as being sunken approximately 3'-0". The existing holly hedge and trees on the adjacent property to the north are to remain, supplemented with additional landscaping on site.

## **PUBLIC COMMENT**

The following comments, issues and concerns were raised:

- Concerned about the entry courtyard being slightly below street grade and the potential security issues that could arise if not designed with safety in mind.
- Would like to see the entry courtyard well lit, especially at night, for security purposes.

## **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.

### **FIRST EARLY DESIGN GUIDANCE February 11, 2015**

- 1. Massing Options and Design Concept.** The Board agreed that Option 3 provided the best option for the location of the entry and conceptual massing. (CS2-C, CS2-II, PL2-II, PL3-A, DC3-B)
  - a. The Board preferred locating the main entry at the corner, as opposed to the entry along Harrison as shown in Option 1. (CS2-C, CS2-II, PL2-II, PL3-A, DC3-B)
  - b. The Board supported the prominent corner massing as presented in Option 3 that recesses the massing of the corner element to highlight the entry courtyard. The Board noted that this approach adds visual depth to the façade and establishes a strong relationship with the corner. (CS2-II, PL3-A)
  - c. The existing steep topography is a difficult condition, and the Board supported the conceptual landscape plan and the ground-related terraces that wrap around the building base. (DC2-C, DC3-B)

- d. The development studies (on page 24 of the EDG Packet) were appreciated by the Board; they expressed interest scheme 2, which further to breaks down the building massing with subtle shifts in planes and material applications. (DC2-C, DC4-A)
- 2. Materials.** The Board supported the conceptual materials palette proposed at the meeting.
- a. The Board strongly supported the use of brick as the main material. (DC4-A, DC4-II)
  - b. The Board generally supported the concept of minimal modulation of the building, and discussed the use of secondary architectural elements to break down the mass of the building and reduce perceived bulk. More detailed graphics regarding the application of materials and secondary architectural features is desired. (DC2-C, DC2-B, DC4-A, DC4-II)
- 3. Courtyard and Entry Sequence.** The Board expressed approval of the corner entry and plaza/courtyard concept. (PL2-II, PL3-A, DC3-B)
- a. The progression of the courtyard from a single story to two stories was favored by the Board, noting that the higher ceiling height improved the building proportions and created a more inviting and comfortable space. (PL2-II, PL2-III, DC3-B)
  - b. The presence of the necessary structural support for overhang should be kept to a minimum, to preserve transparency and retain a sense of openness. (PL2-B, PL2-II, PL2-III, PL3-A)
  - c. The Board discussed potential safety and security concerns relating to the partially covered courtyard, and noted that a higher courtyard would provide more sight lines into the space and improve natural surveillance. The Board requested that the applicant explore options for a courtyard that extends the full height of the building. (PL2-B, PL2-III, DC3-B)
  - d. The design of landscaping, lighting, and massing should make the courtyard appear inviting and safe. The Board requested sections and perspectives of the courtyard to better understand the function and experience in the courtyard, as well as to better evaluate potential security issues. (PL2-B, PL2-III)
- 4. Street-Level Interaction.** The entry courtyard and ground related terraces should be designed to create safe and engaging transitions between residential uses and the sidewalk. (PL2-B, PL2-II, PL3-A, DC3-B)
- a. The Board generally supported the protruding P1 level, as it provides ground-related terraces that promote activity at the street level. (DC3-B, PL2-B)
  - b. The Board discussed concern over the treatment of the proposed blank wall along Harrison. Exploration of landscaping options, rather than an artistic treatment, is preferred due to potential vandalism. (DC1-II, DC2-B, DC4-B)
  - c. The Board supported the conceptual landscape plan and the intent to include a lushly planted buffer along Harrison. (DC4-D)

## **RECOMMENDATION September 9, 2015**

### **DESIGN DEVELOPMENT**

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[http://www.seattle.gov/SDCI/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/SDCI/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

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

## PUBLIC COMMENT

The following comments, issues and concerns were raised:

- Concerned that the proposed development will retain the existing traffic circle and plantings;
- Supported the sliding shade panels;
- Would like to see simplistic, less busy design;
- Supported the concept of the entry courtyard, but concerned about safety and security; Noted that locating the leasing office adjacent to the courtyard may help, but that the leasing office would only be open certain hours.

## PRIORITIES & BOARD RECOMMENDATIONS

1. **Design Response and Architectural Concept.** The Board commended the applicant on a thorough presentation and response to the previously provided guidance.
  - a. The Board observed that the design is well-detailed, has aesthetically pleasing proportions, and demonstrates an articulated design language and architectural concept. (CS2-II, DC2-B, DC2-C, DC4-A)
  - b. The Board recommended that the lush and layered landscape buffer adequately addressed the earlier concern regarding the potential blank wall condition. (DC2-B, DC4-D)
  - c. The Board supported the bold contrast of colors and materials, noting that the palette strengthened the prominence of the corner and the overall architectural concept. DC2-B, DC4-II)
  - d. The material palette is comprised of high-quality, durable materials. The Board approved of the use of cedar in less exposed areas of the building. (DC4-A, DC4-II)
2. **Courtyard Design and Security.**
  - a. The Board recommended approval of the courtyard design, noting that the double height entry appears welcoming and allows for ample light into the space. In addition, the courtyard design is successful in establishing a semi-private space that provides a transition from the sidewalk to the building while maintaining the presence of a distinct space. (PL2-B, PL2-II, PL2-III, PL3-A, DC3-B)

- b. The Board encouraged the applicant to continue to focus on security and safety through design and programming. The Board appreciated that the leasing office and second story amenity space have clear sightlines into the courtyard, providing natural surveillance. (PL2-II, PL3-A)
- c. The Board supported the addition of gates to the courtyard, should security issues arise. The pillars marking the entries have been integrated into the design of the courtyard so that gates could be added without appearing as an afterthought. (PL2-B, PL-II, PL3-A, DC3-B)

### 3. Signage.

- a. The Board recommended approval of the signage on the wall of the courtyard, noting that the simple and elegant design relates well to the established design language. The Board recommended complementary lighting to reinforce it as a focal point within the space and add for security purposes. (PL2-B, PL2-III, PL3-A, DC2-C)
- b. The Board did not recommend approval of the vinyl sign on the window of the amenity room at the north façade, as it does not relate to the overall design concept, and detracts from the refined composition of the façade. The Board recommended a condition to remove this sign from the proposal. (DC2-B, DC4-A, DC4-B)

### 4. Design Options.

- a. The Board encouraged the addition of the movable screens as presented, noting that the temporary changing patterns could add a playful element to the façade. (DC2-B, DC2-C)
- b. The Board agreed that the applicant could move forward with either a 6 foot or 9 foot entry to the courtyard. However, the Board did recognize that a 6 foot entry would be easier to gate if needed, and that a 9 foot entry may diminish the conceptual demarcation from the sidewalk as a semi-private space. (PL2-B, PL2-II, PL2-III, DC3-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

**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-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.

#### *Capitol Hill Supplemental Guidance:*

## CS2-II Corner Lots

**CS2-II-i. Residential Entries:** Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.

## 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.

### *Capitol Hill Supplemental Guidance:*

### PL2-II Pedestrian Open Spaces and Entrances

**PL2-II-i. Entryways:** Provide entryways that link the building to the surrounding landscape.

**PL2-II-ii. Link Open Spaces:** Create open spaces at street level that link to the open space of the sidewalk.

**PL2-II-iii. Ingress/Egress:** Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.

### PL2-III Personal Safety and Security

**PL2-III-i. Lighting/Windows:** Consider

- a. pedestrian-scale lighting, but prevent light spillover onto adjacent properties
- b. architectural lighting to complement the architecture of the structure
- c. transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach.

**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.

## DESIGN CONCEPT

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

**Capitol Hill Supplemental Guidance:**

**DC1-II Screening of Dumpsters, Utilities, and Service Areas**

**DC1-II-i. Dumpsters:** Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.

**DC1-II-ii. Screening:** For new development along Broadway that extends to streets with residential character—such as Nagle Place or 10th or Harvard Avenues East (see map on page 12)—any vehicle access, loading or service activities should be screened and designed with features appropriate for a residential context.

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

**DC2-B Architectural and Facade Composition**

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

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

**DC2-C Secondary Architectural Features**

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

**DC2-C-2. Dual Purpose Elements:** Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

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

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

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

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

**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-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.

**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.

**DC4-D-4. Place Making:** Create a landscape design that helps define spaces with significant elements such as trees.

***Capitol Hill Supplemental Guidance:***

**DC4-II Exterior Finish Materials**

**DC4-II-i. 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.

1. Use wood shingles or board and batten siding on residential structures.
2. Avoid wood or metal siding materials on commercial structures.
3. Provide operable windows, especially on storefronts.
4. Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.
5. Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
6. The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

**DEVELOPMENT STANDARD DEPARTURES**

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

At the time of the Recommendation Meeting the following departures were requested:

1. **Side Setback (SMC 23.45.518.B):** The Code requires a 5 foot minimum, 7 foot average side setback. The applicant proposes a 6" minimum, 6" average setback along Harrison.

The Board recommended approval of the departure. The building has been shifted to the south, away from the adjacent residential structure, providing a minimum 8'-8" setback, which is larger than required. In addition, the Board recommended that the departure allows

for the double story courtyard space, providing a stronger response to the corner. The code allows a zero side setback when a courtyard is provided; the Board noted that the size of the courtyard would meet the requirements of this code provision, but that covering the space with the projecting mass provides overhead weather protection for year-round uses and creates an outdoor room. (CS2-C, CS2-II, PL2-II, PL2-B, PL3-A, DC3-B)

2. **Projections into setback (SMC 23.45.518.1.I):** The Code requires that unenclosed decks and balconies may not be closer than 5'-0" to any lot line and separated from other decks and balconies on the same façade of the structure by a distance equal to at least ½ the width of the projection. The applicant proposes the following projections on two façades:
  - a. East Façade: Decks are within 2'-8" of the lot line.
  - b. South Façade: Decks are within 0' of the lot line; 11'-0" wide decks are separated by 3'-0".

The Board recommended approval of the departure, noting that the decks at the corner reinforce the massing and design concept. The balconies along the south façade also help to articulate the façade composition and provide secondary architectural elements that break down the height, bulk, and scale of the building. In addition, the decks along the east façade allow for balconies for these units to be located away from the north side of the building to lessen the impact of privacy on the adjacent structure. (PL2-B, DC2-C)

3. **Rear setback (SMC 23.45.518.B):** The Code requires a rear setback of 10'-0" for a rear lot line abutting an alley. The applicant proposes a rear setback of 4' - 3/4".

The Board recommended approval of the departure, noting that this condition only occurs at level P1, which allows for the terrace to extend towards the alley and provide an opportunity for activity and natural surveillance of the alley. In addition, the Board recommended that wrapping the terrace around the base to the alley resulted in a stronger base and massing composition that works with the topography and screens the parking entry. The Board was satisfied that the potential blank wall condition created by the departure had been adequately addressed with a substantial landscaping buffer. (PL2-B, DC1-II, DC2-C)

4. **Location of parking (SMC 45.536.B.3):** The Code requires that no portion of a garage that is higher than 4'-0" above existing or finished grade shall be closer to a street lot line than any part of the first floor of the structure. The applicant proposes for level P1 to extend a maximum of 9'-9" above finished grade at the SW corner of the building; 66'-7" of the façade length is higher than the 4'-0" allowed.

The Board recommended approval of the departure, as it provides terraces for the ground level units and provides a foundational element that defines the ground level. The Board noted that the terraces add depth to the building, promote street-related activity and security, and with a landscape buffer, provide a transition from the residential uses to the sidewalk. (PL2-B, CD1-II, DC2-B, DC2-C, DC4-D)

## **BOARD RECOMMENDATION**

At the conclusion of the Final Recommendation meeting, the Board recommended approval of the project with conditions.

The recommendation summarized above was based on the design review packet dated September 9, 2015, and the materials shown and verbally described by the applicant at the September 9, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the project design with the following condition.

1. Remove the vinyl window sign. (DC2-B, DC4-A, DC4-B)

## **ANALYSIS & DECISION – DESIGN REVIEW**

### Director's Analysis

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

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

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

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

At the conclusion of the Recommendation meeting held on September 9, 2015, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four 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 the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

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

Applicant response to Recommended Design Review Condition:

1. The MUP plans have been updated to show the vinyl window sign removed.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

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

## **DIRECTOR'S DECISION**

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the design and departures, subject to the conditions listed below.

## **II. ANALYSIS - SEPA**

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 4/17/2015. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Washington State Department of Ecology regulations require

mitigation of significant environmental contamination impacts, consistent with Model Toxics Control Act requirements. Under such limitations/circumstances, mitigation can be considered.

#### A. 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. Compliance with applicable codes and ordinance will reduce or eliminate most adverse short-term impacts to the environment.

##### 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.

##### 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 on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.”

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

##### Construction Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with 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 Midrise zones. Although there are residential adjacencies, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts. Accordingly, no further construction noise mitigation is warranted pursuant to SMC 25.05.675.B.

## B. LONG-TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions; historic and cultural preservation; height, bulk and scale; 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.

### Parking and Traffic

The applicant submitted traffic study information, including a report and a subsequent memo ("403 Belmont Avenue E, Traffic Impact Analysis", GTC Inc., January 2015; "403 Belmont Avenue E On-Street Parking Study", GTC, Inc, 13 October 2015 ). The report indicates that the development is anticipated to generate 165 new daily trips, including 12 new AM peak-hour trips and 15 new PM peak-hour trips and that the proposed development will not have significant impacts on the level of service at nearby intersections.

The report also indicates that a peak parking demand of 23 parking stalls is expected; 17 would be accommodated by the proposed parking stalls in the underground garage. SMC 25.05.675.M notes that no SEPA authority is provided to mitigate the impact of parking within the Capitol Hill Urban Center. The subject site is located within that Urban Center. The study also notes that the project is in close proximity to existing bicycle and bus facilities, as well as car share programs which could potentially reduce the demand for on-street and on-site parking. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand from this residential project.

The traffic and parking information has been reviewed by SDCI and no significant adverse impacts have been identified. Therefore, no mitigation is warranted per SMC 25.05.675.M and 25.05.675.R.

### Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "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.” Additional SEPA Mitigation of height, bulk and scale is not warranted under SMC 25.05.675.G.

### Historic Preservation

The existing structure on site is more than 50 years old. Seattle Department of Neighborhoods reviewed the existing structure and determined that it is not likely to be eligible for historic landmark designation (Landmarks Preservation Board letter, reference number LPB 365/15). No further mitigation is warranted for historic preservation impacts to the existing structures on site per SMC 25.05.675.H.

### Plants and Animals

Mature vegetation is located on and adjacent to the site, including two exceptional trees immediately north of the site. These trees were identified in the Arborist report (Tina Cohen, dated November 26, 2014). Both trees are proposed to be retained with the development. SDCI’s Arborist has reviewed the information. No further mitigation is warranted under SMC 25.05.675.N.

## **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 (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. 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>.

*During Construction:*

2. The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

**DESIGN REVIEW - CONDITIONS OF APPROVAL**

*Prior to Certificate of Occupancy*

3. 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 (Katy Haima, [katy.haima@seattle.gov](mailto:katy.haima@seattle.gov)).
4. The applicant shall provide a landscape certificate from Director's Rule 30-2015, 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 (Katy Haima, [katy.haima@seattle.gov](mailto:katy.haima@seattle.gov)).

*For the Life of the Project*

5. 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 (Katy Haima, [katy.haima@seattle.gov](mailto:katy.haima@seattle.gov)).

Katy Haima, Land Use Planner  
Seattle Department of Construction and Inspections

Date: January 14, 2016

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