



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2400912  
**Applicant Name:** John Trieger for Weslar Investments  
**Address:** 3218 Eastlake Ave E.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a four story building with 18 dwelling units and 3,590 sq. ft. for ground floor retail sales and service uses. Parking for 39 vehicles will be located within the structure, accessed by a curbcut from Eastlake Ave E. as well as access from an adjacent alley along the east property line.

The following approvals are required:

- **Design Review** - Chapter 23.41 Seattle Municipal Code (SMC)
- **SEPA - Environmental Determination** - Chapter 25.05 SMC

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

## **BACKGROUND DATA**

### Site Description

The site is located along Eastlake Avenue East, just north of its intersection with Harvard Ave East and East Martin Street, in the Eastlake neighborhood. The site is currently home to one dwelling and a surface parking lot. The existing dwelling will be demolished or relocated as a result of the project. The site is zoned Neighborhood Commercial 2 (NC2-40), as are the properties on the same block face, and the properties to the west across Eastlake Avenue East. The properties to the east, across the alley, are zoned L-3. Grade changes of approximately twenty feet between Eastlake Avenue East and the alley along the rear of the site mark the property. Views of Lake Union are available beneath the I-5 deck which is located across the street from the project approximately 200 feet above grade.



The site is strategically located at the intersection of Eastlake Ave East, an arterial, and Harvard Ave E, which terminates at this intersection.

The proposal is for a mixed use building with two ground floor commercial spaces and 16 dwelling units with access to parking located from both Eastlake Ave E and an adjacent alley. A 2,938 square foot ground floor commercial space for retail sales and service uses, comprised of ground floor and mezzanine space, will be separated by a two-way driveway from a 652 square feet commercial space also established for retail sales and service uses. The driveway from Eastlake Ave E would be used to access 16 parking spaces located behind these commercial spaces. A 23 space garage for the residential units would be located above the commercial base, accessed from an adjacent alley, with 18 residential units located above this garage. The residential uses will be loft style residences, with most having double height ceilings with two floors of living space per unit.

### Public Comment

Notice of the project was mailed to surrounding properties, posted and published in the Land Use Information Bulletin. Notice began on September 16, 2004 and closed on October 6, 2004. Seven members of the public commented on a variety of subjects including the traffic generated by the project, the displacement of the house, the design of the building, and the height in relationship to adjacent structures

## **ANALYSIS - DESIGN REVIEW**

### **EDG meeting – May 5, 2004**

An early design guidance meeting was held for the project on May 5, 2004. At this meeting, the applicant provided review and presentation materials including renderings, photographs, a model

and other materials to provide an overview of the site and surrounding context. Following the presentation by the applicant, review and comment by the public and the Board, the Board prioritized the following design guidelines, using the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" :

- A-1 Responding to Site Characteristics**
- A-2 Street Compatibility**
- A-3 Entrances Visible from the Street**
- A-4 Human Activity**
- A-7 Residential Open Space**
- A-8 Parking and vehicle access**
- B-1 Height, Bulk and Scale Compatibility**
- C-1 Architectural Context**
- C-2 Architectural Concept and Consistency**
- C-3 Human Scale**
- C-4 Exterior Finish Materials**
- D-1 Pedestrian Open Spaces and Entrances**
- D-2 Blank Walls**
- D-5 Visual Impacts of Parking Structures**
- D-7 Personal Safety and Security**
- E-2 Landscaping to Enhance the Building and/or Site**
- E-3 Landscape Design to Address Special Site Conditions**

### **RECOMMENDATION MEETING**

On January 19, 2005 the Capitol Hill/First Hill Design Review Board held their recommendation meeting on the proposal. The applicant brought additional materials, including photographs, models and renderings, to demonstrate how the project design had developed since the early design guidance meeting. Specifically, the Board had requested further design development from the applicant on the following:

- Design solutions to reduce noise from freeway
- Develop pedestrian orientation and detailing along Eastlake Ave E
- Develop a strong residential entry
- Reduce appearance of garage entrance on Eastlake Ave E
- Refine details of commercial façade
- Develop a creative solution for South façade exposed above adjacent building

In their presentation, the architects provided drawings, a model, graphics and other materials to demonstrate how the project responded to the previous design guidance. In particular, the architects provided a summary of the following:

- The development of sound dampening details for the windows through glazing and screening (Brise Soleil)
- A sloped edge used to detail and differentiate the commercial base from the upper floors

- Development of the open space plan to include a courtyard located between the residential entries, balconies and a private roof deck for a penthouse unit
- Details of the commercial spaces, including storefront bays and increased setbacks to create pedestrian interest along Eastlake Ave E
- Detailing of the use of materials, including a Cor-Ten clad wall on the south property line above the adjacent building, corrugated metals, poured concrete bays and natural concrete on commercial base
- Details of the garage entrance from Eastlake Ave E
- Details of the open garage located between the commercial base and the residential floor

The following departure from development standards was reviewed:

Code Requirement	Departure request	Rationale
23.54.030G - a sight triangle on the exit side of a two way driveway is required and kept clear of obstruction for 10 feet from the intersection of the driveway with the sidewalk	A portion of the commercial storefront bay feature would intrude into the 10 foot clearance of approximately 4 feet, to be expressed as a percentage of the area	The creation of a strong storefront presence, through the introduction of bay features and modulated facades, cause the need for a departure

**BOARD RECOMMENDATIONS – DESIGN AND DEPARTURE REQUESTS**

Following the presentation by the applicant’s as well as Board and Public questions and comments, the Board reviewed the project using the previous design guidance developed through application of the City of Seattle’s “Design Review: Guidelines for Multifamily and Commercial Buildings”. In general, the Board members indicated that the designs presented at the meeting were responsive to their previous guidance. The Board noted the effort by the applicant in developing the design, including addressing the concerns raised at previous meetings about the project. The Board complimented the development team on the quality of the presentation, creative approach to the design and the details provided in the presentation. In their deliberations on the project, the Board did provide further recommendations on the following issues, as indicated in relation to the relevant design guidelines:

**A-3 Entrances Visible from the Street - Entries should be clearly identifiable and visible from the street.**

Additional effort should be made on development of the residential entry to give it greater distinction and street presence, since its size and detailing reduces its visibility in relation to the commercial space.

**A-7 Residential Open Space - Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The Board indicated that additional effort should be made to increase the interaction between individual dwelling units and their relationship to the large open space above the parking garage that will be accessed by most units. The Board did not indicate specific solutions but directed the applicant to look at landscaping, additional windows, and orientation of the interior spaces in each residential unit to create a stronger relationship to this open space.

- A-8 Parking and Vehicle Access - - Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**
- C-5 Structured Parking Entrances - The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

In response to guidelines A-8 and C-5, the Board directed the applicant to continue development of the entrance to the garage from Eastlake that will reduce the dominance of its appearance in relationship to the commercial spaces, to include the application of a canopy over the garage entrance for additional overhead covering along the sidewalk.

- C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**
- D-1 Pedestrian Open Spaces and Entrances - Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

In consideration of guidelines C-2 and D-1, the Board requested that additional designs be developed for the front of the commercial space on the north side of the project. The Board indicated that additional details could be developed that would improve the street front presence of this space, through increasing the size of bays and developing innovative approaches to the entrance and storefront window system.

- C-4 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.**

The Board complemented the architect on a unique approach to use of materials, in particular the use of unfinished concrete and the Cor-Ten siding on the south facades. The Board indicated the materials were well thought out and detailed, given the concept for the building.

Therefore, after considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, the Design Review Board members in attendance unanimously recommended **APPROVAL** of the subject design, with no conditions. The Board also unanimously recommended **APPROVAL** of the requested development standard departure, with no conditions recommended on the departure requests.

### **DECISION - DESIGN REVIEW**

Based on the revisions to the plans presented at the applicant's final Design Review meeting and on further review of staff, the Director supports the recommendations of the Board for the approval of the project and the requested Design Departure. Accordingly, the proposed design is **APPROVED** with the following conditions:

#### *Construction Conditions*

1. Any revisions to the exterior facades of the building and/or landscaping on site must be reviewed and approved by a Land Use Planner prior to proceeding with the proposed revisions.

#### *Prior to the issuance of a Certificate of Occupancy*

1. Compliance with the approved design features and elements, including exterior materials, façade colors, landscaping or other similar features shall be verified by the Land Use Planner assigned to the project or by the Supervising Planner. Inspection appointments with the Land Use Planner must be made at least 3 working days in advance of the inspection.

Based on the review and concurrence of the Design Review Board for the referenced Departure, the Departure is also **APPROVED** with the following condition:

1. To ensure that visibility for autos and pedestrians is effectively maintained from the departure to allow a reduced sight triangle, a device to provide either visible and/or auditory warning of autos exiting from the commercial garage onto Eastlake Ave E is required. The device must be designed to be visible to both motorists and pedestrians, mounted onto the building and must be activate internal to the garage upon an automobile exiting.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated June, 2004 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising 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 certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-Term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

### Noise

The site is located on an arterial street adjacent to a low to mid density residential zone. Within the general proximity of the site there are numerous apartment buildings. While the site is adjacent to Interstate 5 which is responsible for significant noise generation in the neighborhood, the construction activities associated with the development could impact residential dwellings that are within close proximity to the site. Accordingly, further conditioning is required to address impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Transportation

#### Construction Parking

Construction of the project is proposed to last for several months. Due to the surrounding residential densities, the location on an arterial street and the limitations of on-street parking in the area, construction related impacts for parking are likely. Demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase

transportation plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval 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; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Transportation

The project calls for a curbcut along Eastlake Ave E, an arterial that will serve for access to parking for the commercial tenants of the building. The residential parking for the structure will be accessed from an adjacent alley that will be widened as a result of this project. Access from the commercial parking onto Eastlake Ave poses safety hazards due to the configuration of the adjacent streets and parcels that create poor visibility of traffic. In addition, the speeds along these streets, the number of vehicles using these streets and the location of a left turn lane in front of the site, allowing traffic to turn south onto Harvard Ave E from Eastlake Ave E, creates further unsafe conditions. Due to these conditions, ensuring that traffic does not cross Eastlake Ave East will ensure safe movement of traffic associated with the project and the larger traffic operations in the area. Accordingly, the project is conditioned under SMC 25.05.675T to prohibit left turn movements from the ground floor garage onto Eastlake Ave E.

Historic Preservation

The site includes an existing one story residential structure. Due to the age of the structure, a referral was made to the Department of Neighborhoods under the City's SEPA Ordinance in SMC 25.05.675H. The referral was also suggested by a member of the public who expressed concern about the historic character of the building. The referral to the Department of Neighborhoods Historic Preservation Officer included photographs and documentation to determine if any of the structures should be nominated as potential landmarks. Following review of materials prepared by the applicant, the Department of Neighborhoods determined that the structure was not eligible for further consideration as a landmark. Accordingly, no further mitigation or conditioning is warranted.

**DECISION - STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

**SEPA CONDITIONS**

Prior to issuance of any Construction or Grading Permits

1. The owner(s) and/or responsible party(s) shall secure DPD Land Use Division approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to DPD Land Use Division approval. The plans shall address the following:
  - Ingress/egress of construction equipment and trucks;
  - Truck access routes, to and from the site, for the excavation and construction phases;
  - Street and sidewalk closures;
  - Potential temporary displacement/relocation of any nearby bus stops.

During construction

1. Parking for construction workers shall be provided on-site as soon as the garage is completed.
2. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:
  - Surveying and layout;
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

For the life of the project

1. Signage shall be posted inside the garage on the exit lane to indicate that left turn movements from the ground floor garage are prohibited. The sign shall include a right turn directional arrow.

**DESIGN REVIEW CONDITIONS**

Construction Conditions

1. Any revisions to the exterior facades of the building and/or landscaping on site must be reviewed and approved by a Land Use Planner prior to proceeding with the proposed revisions.

For the life of the project

1. To ensure that visibility for autos and pedestrians is effectively maintained from the departure to allow a reduced sight triangle, a device to provide either visible and/or auditory warning of autos exiting from the commercial garage onto Eastlake Ave E is required. The device must be designed to be visible to both motorists and pedestrians, mounted onto the building and must be triggered internal to the garage upon an automobile exiting.

Prior to the issuance of a Certificate of Occupancy

1. Compliance with the approved design features and elements, including exterior materials, façade colors, landscaping or other similar features shall be verified by the Land Use Planner assigned to the project or by the Supervising Planner. Inspection appointments with the Land Use Planner must be made at least 3 working days in advance of the inspection.

Signature: \_\_\_\_\_ (signature on file) Date: July 21, 2005  
Michael Jenkins, Senior Land Use Planner

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