



City of Seattle

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

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

Application Numbers: 2007695
Applicant Name: Martha Barkman
Address of Proposal: 4751 12th Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit for the future construction of a 6-story mixed use building with 75 residential units and ground level for 4,401 square feet of commercial use. Parking for 98** vehicles to be provided in at grade and below grade garages. Project includes demolition of 3 existing structures and grading of approximately 8,700 cubic yards of earth materials.*

*The revised notice of application, published on 28 June 2001, did not mention the quantity of grading proposed.

** Contemplating that the Seattle Municipal Code will be revised on 27 April 2005 to reduce parking requirements to one-per-unit, this decision also considers the possibility that this project might provide only 75 parking spaces.

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41, with departures from
Street level ceiling height (SMC Section 23.47.008.C.2)
Driveway width (MC Section 23.54.030.D.2.b)
Sight triangle (SMC Section 23.54.030.G)

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions*
 DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

*Notice of early DNS was published 28 June 2001

BACKGROUND DATA

Site and Vicinity Description

The property is located within Seattle's University District and is zoned Neighborhood Commercial 3 (NC3-65') with a 65-foot height limit. It is rectangular, approximately 180 feet long and approximately 100 feet wide, for an area of approximately 18,000 square feet in size. The site drops substantially from 12th to the alley, which is substandard in width. The Neighborhood Commercial zone extends to the south, east and west of the site. Across NE 50th Street to the north, the zone changes to Lowrise 3. The surrounding area includes a mixture of commercial and multi-family development. Three structures are currently located on the site and are to be demolished. There is alley access to the site. The site is located within the Station Area Overlay zone and the University District Urban Village.

Proposal

The proposal is to construct a 6-story, 75-unit residential apartment over a base commercial-and-parking level, total construction providing almost 57,000 gross square feet. Proposed commercial uses are 3039 sf of retail space (NE and SE corners) and 677 sf of office space (center) for a total of 3,716 sf of commercial square footage. There are proposed to be 22 parking spaces at the 12th Avenue level, accessed off that street; the balance of parking is proposed to be in two parking levels accessed off the alley to the west. Access to the parking is proposed to separate the commercial spaces along 12th Avenue. Of the 98 spaces proposed, it is proposed that 3 spaces be provided for commercial use.

The project includes the demolition of 3 existing structures and grading of approximately 8700 cubic yards of earth material. Dedication of a portion of the property is proposed, as is a setback from 50th Avenue NE to accommodate potential future widening of that street.

Although not technically proposed, the project contemplates elimination of the deepest parking level (23 parking spaces). It contemplates provision of a total of 75 parking spaces, several occupying the initially-proposed commercial space at the northwest corner of the building. Because the contemplated change is both specific and likely, this possibility has been evaluated in the SEPA analysis below. It is not regarded as having significant Design Review implications.

Public Comments

Early Design Guidance was provided at a meeting held on 6 January 2001. Five members of the public, including nearby property owners, were present at the meeting and two comment letters were received during the public notice period. Public comments and clarifying questions focused on the following issues:

- Discouraging traffic along the alley, which currently experiences congestion;
- Reinforcing the required five-foot dedication along the alleyway;
- Accommodating adequate on-site recycling and garbage collection;
- Providing on-site bicycle parking;
- Clarifying the traffic impacts associated with the project; and
- Considering the height, bulk and scale issues of the proposed development

In January 2001 the project site included only the south ½ of the property. Later, the vacant Ivar's restaurant site, running all the way to 50th Street, was added. Consequently, a second early design guidance meeting was held on 2 July 2001. Two members of the public were present at the 2 July 2001 meeting. Public comment focused on the following issues:

- Clarifying the proposed materials;
- Expressing support for the project program and design;
- Suggesting use of more color; and
- Clarifying the number of loft units

The project was put on hold from July of 2001 until the summer of 2003. A Design Review Board recommendation meeting was held on 15 September 2003, and attended by two members of the public; members of the architect's office were also present. Public comments at the meeting were largely commendatory. No additional written comments regarding the project have been received since 2001.

ANALYSIS - DESIGN REVIEW

Design Guidance

The pertinent Early Design Guidance for this project (2 July 2001) is presented in plain text below, with text in italics identifying the architects design response at the 15 September 2003 recommendation meeting.

A-2 Citywide Guideline: Streetscape Compatibility

Siting of buildings should enhance the existing desirable spatial characteristics of the right-of-way.

University Community Guideline: Solar Orientation

The design and massing of a structure can enhance solar exposure and minimize shadow impacts onto adjacent public areas between March 21st and September 21st.

Reinforcing the pedestrian streetscape is an important site planning issue. Stepping back upper floors to allow more sunlight to reach the street minimizes impacts to views and maintains the low- to medium-rise character of the streetscape. Roof decks providing open space for mixed-use development can be located facing the street so that those upper stories are, in effect, set back.

The Board emphasized the solar orientation from the subject site, as well as the density of the surrounding neighborhood. The proposed design indicated that the building mass would be shifted towards 12th Avenue NE, on the east side of the property, allowing the western façade and deck areas to take advantage of the western sunlight. To further this characteristic, the Board strongly recommended that the proposed building set back at least ten feet from the north, south and east property lines. These greater setbacks will allow for the decks, patios, windows and landscaping of the entire building to enjoy greater light and sun exposure, as well as generate more functional living spaces.

The design presented at the Interim meeting includes pulling the building mass towards the corner and street edges along the north and east, thereby allowing the designated open spaces along the western portion of the proposed building to enjoy

greater solar access. This configuration reinforces the urban streetscape while including vertical notches for residential private decks to be inset along the building façade and helps to break down the façade bulk into 15-foot wide modules. Additionally, the ground floor is set back from the southern property line by ten feet and the upper levels are further setback at the second and third levels. The Board supported the proposed design concept and configuration.

A-4 Citywide Guideline: Human Activity

New development should be sited and designed to encourage human activity on the street.

University Community Guideline: Mixed Use Corridors

Where narrow sidewalks (less than 15' wide) exist, development should consider recessed entries to provide small open spaces for pedestrian and tenant activities and movement, while avoiding blind corners.

Pedestrian-oriented open spaces, such as wider sidewalks and plazas, are encouraged as long as the setback does not detract from the “street wall.”

The Board focused on the importance of the sidewalk area and right-of-way abutting the site as critical space contributing to the human activity of the street. The design of the ground level commercial space, residential lobby and driveway should interact with and enhance the pedestrian environment. The sight triangles required for the driveway should be addressed and integrated into the right-of-way design. The Board suggested that the sidewalk width adjacent to the site be consistent with the proposed project to the immediate north of the subject site, so that the street wall is maintained. The Board also suggested generous landscaping within raised planters or other containers along the right-of-way. The quality of the right of way design will be based on the materials, width, landscaping, decorative features, hardscape design and pedestrian orientation of this space and its interaction with the east façade of the proposed structure.

The ground level design includes a pocket park at the southeastern corner and abutting the corner commercial space. A small residential entryway is located at both the 12th Avenue NE entrance and the NE 50th Street entrance. These open spaces and the connecting sidewalk include a variety of decorative pavers, potted landscaping and a covered colonnade combined with overhead awning features, all of which serve to reinforce the pedestrian environment.

A-5 Citywide Guideline: Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of adjacent residents.

The Board supported the massing of the proposed building be shifted away from the alley and towards 12th Avenue NE. Please see Criteria A-2 above for further discussion.

The proposed design has shifted the building mass away from the southern property line and away from the alley to the west. See Criteria A-2.

A-6 Citywide Guideline: Transition Between Residence and Street

The space between the building and the sidewalk should provide security and privacy for the residents and encourage social interaction among residents and neighbors.

Please see Criteria A-7 below for further elaboration.

A-7 Citywide Guideline: Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive and well-integrated open space.

University Community Guideline: Ground Level Open Space

The ground level open space should be designed as a plaza, courtyard, play area, mini-park, pedestrian open space, garden or similar occupiable site feature. The quantity of open space is less important than the provision of functional and visual ground level open space. Successfully designed ground level open spaces should meet these objectives:

- **Reinforce positive streetscape qualities with landscaping, adherence to setback dimensions and providing a transition between the public and private realms;**
- **Provide for the comfort, health and recreation of residents; and**
- **Increase privacy and reduce visual impacts to neighboring properties.**

The surrounding community has a scarcity of public and private open spaces, such as gardens, courtyards or plazas. Such types of open spaces are important to the neighborhood's intent to achieve this public amenity, as well improved the quality of the residential environment.

The Board stressed that the design of the open space design, space and content of the proposed project will be a critical consideration in the Board's deliberation regarding departure requests.

The ground level open space plan includes a variety of hardscape and softscape features within the right-of-way planting strips, on-site against the proposed building, and within the "pocket park" spaces at the corner and entryways. Private open spaces are distributed among the residential decks and a large common open space is located both at the second floor level and at the rooftop. The second floor terrace includes landscaping within structural planter boxes around the perimeter and the rooftop landscaping plan contains moveable container plantings, as well as deck furniture. The Board agreed that the variety and distribution of open spaces throughout the project were appropriate and desirable.

A-8 Citywide Guideline: Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment.

This criterion specifically applies to the proposed driveway off of 12th Avenue NW.

The proposed driveway access from 12th Avenue NE is 12 feet wide, while the required width is 22 feet. This width reduction, therefore, requires a departure from the Code,

although the intent of such a reduction is to better satisfy this guideline and reduce impacts to pedestrian circulation, safety and enjoyment.

B-1 Citywide Guideline: Height, Bulk & Scale Compatibility

The height, bulk and scale of the proposed building should be compatible with the surrounding area and sensitive to nearby zones.

University Community Guideline: Minimize Height, Bulk & Scale Impacts.

The proximity of lower intensive zones to higher intensive zones requires special attention to potential impacts of increased height, bulk and scale. The design and siting of buildings is critical to maintaining stability and Lowrise character.

The Board expressed a strong interest in maximizing the solar access of the proposed structure through a sensitive configuration of the building mass. In particular, the Board suggested “sculpting” the building form towards the top and emphasizing the vertical features and qualities of the façade.

Please refer to the discussion under Criteria A-2.

In response to the Board’s guidance, the proposed design has attempted to reduce the bulk and scale impacts by cutting out every other top floor unit along the east side, thereby reducing the sense of height and bulk along this façade. These portions of the building which project to the property line create a strong vertical effect. Additionally, the building footprint is reduced between the ground level and the upper levels through increased setbacks along the southern and western edges.

C-1 Citywide Guideline: Architectural Context

New buildings proposed for existing neighborhoods should be compatible with or complement the existing architectural character.

University Community Guideline: Responding to Architecture of the Area
Proposed design should demonstrate how the proposed design incorporates elements of the local architectural character, particularly those of local significance and/or landmark status. The façade should be broken into modules that correspond to the traditional platting in the area.
Development should be responsive to those architecturally significant buildings in the area.

The Board noted that the architecturally significant Meany Hotel, library and fire station are in close proximity to the subject site, as well as the strong presence of the University campus gothic style and classical detailing within the same neighborhood. Such buildings establish an architectural standard for the community, and the features, styles and massing of these buildings should be considered and reflected in the design of the proposed structure. For example, breaking up of the building into 50-foot wide (or less) modules and articulating the vertical architectural elements would be appropriate and consistent with the surrounding architectural styles.

The proportions and detailing of the nearby Meany Hotel and other structures cited above are reflected in the width of the building modules and massing of the proposed structure. The Board did not offer any further guidance on this subject.

C-2 Citywide Guideline: 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. Building should exhibit forms and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The concept of the proposed design attempts to create the appearance of three buildings through varying the fenestration pattern, rooflines and module widths. The façade along 12th Avenue hints at a modern row-house-like appearance with strong vertical lines, broken by the residential entryway, and then a second style, which wraps around the corner with a colonnade at the base and eyebrows lids between the fifth and sixth floors. The 50th Street façade presents a third style, which breaks down the building mass by dropping the eyebrows down a level as well as lowering the bay windows. This façade is across the street from a Lowrise 3 zone and has attempted to break down the scale to reflect the lower scaled development to the north.

C-3 Citywide Guideline: Human Scale

Design should incorporate architectural features, elements and details to achieve a human scale.

The proposed design integrated a number of features intended to respond to the human scale and pedestrian environment, such as the overhead canopies, storefront window system and landscaping within the planting strips.

C-4 Citywide Guideline: 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.

University Community Guideline: Appropriate Materials

Appropriate materials for this neighborhood include brick, architecturally treated concrete, cast stone, natural stone, tile, stucco and wood. Sculptural cast stone and decorative tile are particularly appropriate for this area. The following materials would be inappropriate in this area: masonry units, metal siding, wood siding and shingles, vinyl siding, sprayed-on finish and mirrored glass. Fencing should be attractive and scaled for the pedestrian and awnings may be lit with lighting respectful of neighboring residents. Signage should be integrated into the building's architecture and pedestrian-oriented.

The Board expressed a strong interest in the use of high quality materials in the proposed structure.

The proposed design includes a variety of exterior finish materials including brick at the ground level commercial space along 12th Avenue NE and finished concrete at the corner and along NE 50th Street, horizontal lap siding for the setback portions of the building, metal panels on the vertical "row house" features, a diagonal metal panel system at the main entryway, a panel system on the window bays and metal railings and canopies.

C-5 Citywide Guideline: Structured Parking Entrances

Garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board expressed particular attention in the alley façade at the ground level, as well as the driveway off of 12th Avenue NE. Please see Criteria A-8.

D-1 Citywide Guideline: 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.

University Community Guideline: Quality Ground Level Open Space

Development should provide small pedestrian open spaces with seating amenities and pedestrian-oriented facades along the open spaces. Required open space may be reduced if a substantial amount of street level open space meeting the following objectives:

- **Sensitive proportions and designs;**
- **Locating plazas in areas with sun exposure;**
- **Including public art or other amenities; and**
- **Integrating generous and appropriate landscaping.**

The Board encouraged greater design attention at the ground level of the western façade and establish a high standard for the surrounding neighborhood, which is currently experiencing considerable redevelopment. Use of canopies, architectural details and landscaping features were discussed as possible design features that would contribute positively to the pedestrian streetscape. The Board encouraged the use of landscaping, street furniture and other amenities, which would be appropriate to this project. (See Criterion A-6 and A-7.) The manner in which the streetscape is addressed will be important in the Board's consideration for departures.

See Criteria A-7.

D-2 Citywide Guideline: Blank Walls

Buildings should avoid large blank walls and where unavoidable, should receive design treatment to increase pedestrian comfort and interest.

The Board discouraged the inclusion of blank walls (along the north, south and alley) which do not offer treatment or design mitigation. All such walls should be mitigated with design features including, but not limited to, architectural details, materials, and landscaping. See Criterion A-5 and C-3.

At the Interim meeting, the Board noted that they would like to see additional consideration towards the blank walls along the alley.

D-5 Citywide Guideline: Visual Impacts of Parking Structures

Visibility of all at-grade parking structures should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking areas should be screened from the street and adjacent properties.

See Criteria D-2.

D-6 Citywide Guideline: Screening Dumpsters, Utilities and Service Areas
Building sites should locate service elements away from the street and provide screening so that they are not visible from the pedestrian right-of-way.

The Board supported a design which screens those service elements associated with the proposed project and encouraged the siting of the service area off of the alley, as shown in the concept plans. The applicant should consult City Ordinance 119836, which establishes standards for service areas.

At the Interim meeting, the Board supported the proposed design which included all of the service utilities within the structure.

D-7 Citywide Guideline: Personal Safety & Security
Design should consider opportunities for enhancing personal safety.

The Board felt that the entryways and open spaces should reinforce personal security around the building, such as providing lighting, clear view corridors and windows which allow visibility to and from these spaces. The exterior lighting plan should also be cognizant of and mitigate for the glare impacts on adjacent properties. Lighting along the alleyway will be of particular interest to the Board.

The Board expressed concern for pedestrian safety and activity at the 12th Avenue NE garage entrance. Although, the proposed design includes a garage door, the Board would like to see additional safety features to mitigate the interface between the vehicular and pedestrian traffic. Recommendations were made to include a more decorative garage door. Additionally, the Board suggested exploring the use of exterior lighting and/or a security fence to provide greater security along the south property line.

E-2 Citywide Guideline: Landscaping to Enhance the Building and/or Site
Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board expressed a strong interest in the use of high quality vegetation and landscaping materials which will reinforce the pedestrian streetscape and provide a functional and attractive space for building residents. The Board enthusiastically supported a residential courtyard entryway, as well as a strong presence of street trees along the site.

The proposed design includes a ground level landscaped plan which includes pavers, vegetation, two mini-plazas, as well as street trees and an overhead awning.

E-3 Citywide Guideline: Landscaping Design to Address Special Site Conditions
The landscape design should take advantage of special site conditions.
University Community Guideline: Tree Retention
Retaining existing large trees wherever possible. Where a tree is unavoidably removed, it should be replaced with another tree of appropriate species, 2.5” caliper minimum size for deciduous trees, or a minimum size of four feet high for evergreen trees.

The Board was interested in the on-site trees that would be affected by the proposed development. Such trees should be identified and considered for retention. The photographs presented at the meeting suggested that a large conifer may be located on the site and should be preserved if possible, or replaced as specified in the guidelines states above.

The proposed building footprint has been configured to allow for the preservation of the existing Cyprus tree, which straddles the subject site as well as the abutting property.

Departures from Development Standards

On 28 March 2001, the Master Use Permit application was submitted. Departures were requested for reduced driveway width (SMC Section 23.54.030.D2), reduction of commercial height from 13 feet to 12-feet 6-inches (SMC Section 23.47.008.C), and open space. The open space design departure was subsequently eliminated. Meanwhile, need for a sight triangle departure was identified (SMC Section 23.54.035.G), resulting in the ultimate requests for departures shown in the table below.

Request	Standard	Proposal	Rationale	Recommendation
Decrease width of permitted curbcut	22 feet	20 feet	Increase pedestrian safety and minimize vehicular impact on streetscape	Approve
Reduce sight triangle	Un-obstructed	Column obstructions	Allows for maintaining the rhythm of columns and bays in building	Approve
Reduction of commercial height	13 feet	12’6”	Maintain plate height	Approve

Summary of Board’s Recommendation

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the 15 September 2003 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans, model and renderings, the Design Review Board members recommended **APPROVAL** of the subject design, including all requested departures, with the following recommended conditions:

1. Explore consolidation of retail spaces along 12th Avenue NE. Rectify to the degree possible the adverse functional impacts on the commercial spaces along 12th of the proposed vehicular access to the surface parking area off 12th. The driveway will reduce these spaces in size, as well as separate them from each other.
2. Mitigate adverse safety impacts of the proposed vehicular access off 12th, especially during periods of limited daylight.
3. Make the open space on the second level deck and the roof as visible to street as possible.
4. Design and furnish the rooftop open space to be as inviting and functional as possible. Arrange permanent structures to maximize views; utilize built-ins and appropriate

- movable furniture for seating and table space. Use of interesting, high quality decking (e.g. Trex) and trellising was also recommended.
5. Ensure that street level lighting enhances structure and vicinity.
 6. Ensure that signage is appropriate and attractive.
 7. Ensure that street level courts and landscaping is attractive and permanently maintained.
 8. Maintain the multi-building look. Keep all the articulation shown on the plans. The architects were urged to explore simplification of the color scheme.
 9. Ensure that the brick shown on the concept plans is actually included in the building as shown.
 10. Maintain the extensive fenestration that has been proposed.
 11. Provide continuous weather protection at and around the corner.
 12. Take advantage of the opportunity in the south courtyard to create a safe and pleasant outdoor evening environment.
 13. Address safety issues in all potential outdoor nooks and crannies via lighting and other methods as needed.
 14. Maintain the alley façade with reveals and lighting as shown.

DECISION - DESIGN REVIEW

Director's Analysis

Three members of the Northeast Seattle Design Review Board were in attendance and provided recommendations 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 and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F.3).

The Design Review Board reviewed the project in light of the above elements and issued their recommendations listed above. The Board's recommendations and approval of the requested design departure is consistent with the Design Guidelines and within the scope of their authority. The specifics of landscaping, building materials, and building configuration support a high-quality, functional design responsive to the neighborhood's unique conditions. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that meets the intent of the Design Review Guidelines. For example, the 12th Avenue spaces have been expanded in size, and has already been designated an anchor tenant, the apartment leasing office, which Harbor Properties – distinct from other residential management companies – maintains on all its sites. The 12th Avenue driveway safety issue has been addressed by provision of mirrors, and the roof-top deck has been well designed.

A specific aspect of concern for this project is the fact that it is located across NE 50th Street from an L3 zone. The same situation (NC3-facing-L3) obtains across the alley, where the Lee Plaza was required to set back its top floor to mitigate bulk impacts. In this case, however, the Design Review process is in place, providing SEPA mitigation for height, bulk and scale impacts. Yet the Board was mindful of the Lee Plaza case, and acknowledged the need to reduce impacts on the lesser-intensity residential zone to the north. Aspects of the proposed structure regarded as responding to this need are its division into two distinct vertical masses or bays (with colors chosen to emphasize the division), its setting back above the 4th story level (with strong horizontal cornices or bet coursing accentuating the setback), and provision of an attractive main entrance together with courtyard facing to the north. Responses to the zone edge across NE 50th

Street include drawing portions of the building back about 10 feet on the 5th story, and drawing the entire structure back 10 feet on the 6th story level.

The Board's recommendations included exploration of alternative schemes for configuring the commercial space along 12th Avenue NE. The architect did explore such reconfiguration to the Department's satisfaction, and the Director has determined that the approved plans represent a satisfactory response to this recommendation. The Board recommended adding visual or auditory safety warning devices to provide for pedestrian safety at the driveway along 12th Avenue NE. Certainly mirrors should be provided allowing drivers exiting the site full visibility of the entire sidewalk area. In addition, due to the residential nature of the project and anticipated intensive residential development of the nearby area, some form of silent or quiet pedestrian alerting system should also be provided.

The proposal includes a garage wall up to 23 feet high along the alley (reduced to 19 feet under the 75-parking-space scenario). The portions of the garage wall this far above grade also wrap around to the southwest side of the structure. In all such locations the bulk and scale of the structure is enormous. The revised elevations of 25 March 2005 show 10 large fenestration-like gratings in addition to reveals breaking up the wall mass on the west side, and a few reveal lines on the south side. (The older color elevations (14 February 2005) do not reflect all of these elements, and require updating.) The south garage wall will be mitigated by plantings over the south 10-12 feet of the most southerly (and lower) level of the garage.

Nowhere is the lighting for elevations shown; an alley (west) elevation plan showing proposed lighting comporting with Design Review recommendations remains to be provided.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the Board found that the design of the proposed project adequately responded to the issued Design Guidelines. The Director of DPD has reviewed the recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review of their adequacy in addressing the zone edge issue as discussed above, and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations, including regarding departures, and **APPROVES** the proposed design with the conditions enumerated at the conclusion of this analysis.

Request	Standard	Proposal	Rationale	DPD Decision
Decrease width of permitted curbcut	22 feet	20 feet	Increase pedestrian safety and minimize vehicular impact on streetscape	Approve
Reduce sight triangle	Unobstructed	Column obstructions	Allows for maintaining the rhythm of columns and bays in building	Conditionally Approve
Reduction of commercial height	13 feet	12'6"	Maintain plate height	Approve

Very late in the process the developer (a new contract purchaser) advanced the concept of replacing the northwest commercial space with parking, and reducing the other commercial space as well to accommodate circulation and provide a small NE 50th Street-facing courtyard. The design impacts of these changes are modest; to some degree, the changes actually “open up” the north façade somewhat better. However, in place of transparency, the parking would be obscured by some form of opaque or translucent glass. The precise nature of this material does have design impacts. For this reason, the Design Review approval is further conditioned to require that the proposed fenestration materials to be submitted to DPD for review and approval prior to issuance of the MUP.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant originally dated 28 June 2001. The information in the checklist, project plans, and the experience of the lead agency with 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, 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 certain limitations and/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

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; 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 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 watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust and asbestos 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. However, due to the fact that a large amount of demolition and

building activity will be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Air Quality	<ul style="list-style-type: none"> Increased dust and particulate matter due to demolition and construction activities and hauling of waste materials.
2. Noise Impacts	<ul style="list-style-type: none"> Increased noise levels as a result of construction activities.
3. Earth	<ul style="list-style-type: none"> 8900 cubic yards of demolished/excavated materials; 6700 under the 75-parking space scenario.
4. Traffic	<ul style="list-style-type: none"> An increase in vehicular traffic adjacent to the site due to construction vehicles.

Air Quality

During demolition and construction, it is likely that dust particles will be released. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. This will assure proper handling and disposal of asbestos, if it is encountered on the proposal site. However, there is no permit process to ensure that PSCAA will be notified of the proposed development. Accordingly, project approval is conditioned upon the owner(s) and/or responsible party(s) submitting to DPD, prior to issuance of any permit to demolish or construct, a copy of applicable PSCAA notice-of-application. The application should clearly indicate the extent of grading as well as the proposed demolitions.

Noise

There will be demolition and excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining residentially zoned area. Due to the proximity of other residential uses to the north and west, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted. Accordingly, project approval is conditioned upon limiting the hours of construction activity to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature and/or to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Any request for modification of this condition must be made at least 3 working days in advance.

Earth

The applicants have provided a geotechnical report which documents that the proposed extensive excavation and backfill can be accomplished in a manner that will be safe and stable for both the subject property and the adjacent neighbors and rights-of-way. However, the report is preliminary, and recommendations are not fully developed. Although no serious adverse impacts are anticipated, project approval is conditioned upon submitting to DPD, prior to issuance of any permit to grade, a revised report with specific recommendations. This condition is particularly apt to the reduced grading (reduced parking) scenario.

Demolition/Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during demolition and construction activities. The demolition and construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site (870 truck trips likely to be associated with grading alone). In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to extreme traffic congestion during the a.m. and p.m. peak hours, and the addition of a substantial number of additional peak hour trips by large and relatively slow-moving construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

Accordingly, project approval is conditioned upon the applicant/responsible party(s) ensuring, for the duration of construction, that there are no construction-, demolition-, or grading-related truck trips during either the a.m. or p.m. peak hours (i.e. between 7:00-9:00 a.m. and 4:00-6:00 p.m.).

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site. The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The same analysis and conditioning applies to the reduced grading (reduced parking) scenario, even recognizing that 670 trips would not be as adversely impactful as 870.

Long-Term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential and stability of the slope on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of traffic and parking are warranted:

Traffic

The proposed 75-unit residential apartments would generate approximately 44 p.m. peak hours trips (.58 per unit), with an additional 20 or so trips (4.93-10 per 1000/sqft) for the commercial space. This would be about 1 trip per minute during peak hours, of which probably a majority would be turning from or turning onto 50th Avenue NE. However, because NE 47th Street to the south provides access to most points of interest (e.g. I-5, UW, Roosevelt/Eastlake to downtown), and because it is much less heavily trafficked than 50th, it is likely that a substantial number of building users will be able and inclined to avoid using 50th with their cars. On the other hand, even one car attempting to turn left from 50th into the alley or onto 12th Avenue NE will tend to bottle up traffic in the left lane; fortunately, 50th is a two-lane road, and traffic can continue to move in such event. Twelfth would tend to be more adversely impacted by left turns onto 50th; however, that street does not see much traffic. In short, although vehicular access to or egress from the site will probably have some adverse impacts on NE 50th Street and on 12th NE, they are not anticipated to rise to a level warranting mitigation.

Parking

According to the Institute of Traffic Engineers (ITE), peak parking demand for residential condominium use ranges from an average of about .95 on Saturdays to 1.11 on weekdays. The minimum land use code requirement exceeds this; moreover, considerably more than the minimum number of residentially-required spaces are proposed. On the other hand, the combination of retail sales and service and office uses associated with the proposed project would result in the following peak parking demand:

ITE manual statistics:

	Weekday (parking spaces per 1000 sqft)	Saturday (parking spaces per 1000 sqft)
General retail sales and service (all ITE)		
Hardware/home improvement	2.84	3.29
Convenience store	1.41	4.00
Furniture/carpet store	1.22	.99
Average of above (applied below):	1.82	2.76
General office (ITE)	2.79	.79

Projected project commercial demand:

Non-office commercial uses (3,287 sq.ft)	6 spaces	9 spaces
General office (1,114 sq.ft.)	3.23 spaces	1 space
Total parking demand (non-residential)	9.23 spaces	10 spaces

Of the 98 spaces proposed, it is presently proposed that 3 spaces be provided for commercial use. This number would be insufficient to meet projected parking demand, yielding a proposed spillover of 6 or 7 spaces, which cannot be met on surrounding streets, where parking is at capacity during periods of peak project parking demand. Although proposed parking meets Land

Use Code requirements, the requirements exceed SEPA parking demand, suggesting that sharing a number of residential spaces is sufficient to accommodate commercial demand during peak hours of commercial parking demand. Accordingly, project approval is conditioned upon revising plans to accommodate, in the existing garage via shared parking arrangements, 9 commercial vehicles on weekdays and 10 commercial vehicles on weekends during the hours between 10:00 a.m. and 6:00 p.m. Alternatively, commercial parking demand may be satisfied offsite by covenant pursuant to SMC Section 23.54.025.

Were only 75 parking spaces to be provided, there would still be enough to meet residential demand on Saturdays, and there would be a shortfall of approximately 8 spaces on weekdays. However, the ITE statistics do not take account of the fact that the project is located in one of the densest areas of a major city, and that it is perhaps better served by transit and future transit facilities (i.e. light rail) than most locations. Hence, in the view of the DPD, the small amount of spillover suggested by ITE statistics is not actually likely to be experienced in actuality. Certainly there is inadequate basis to support a condition to provide more off-street parking. In short, in the event that Council does amend the Land Use Code as anticipated to reduce the parking requirements for multifamily structures (including in the U District parking overlay area), no additional SEPA review will be required.

Land Use

The proposal entails replacement of 1200-1500 square feet of initially-proposed commercial space with parking at the northwest corner of the structure. Most of this area is substantially elevated above grade. The area was never anticipated to be particularly vibrant; the developer indicates that it would be problematic to maintain in viable commercial uses over the long term, which is probably true. It is proposed to be fenestrated with essentially opaque material; thus it will still appear, to a limited degree, "commercial-like." In any case, in this location, the land use impact is not deemed adverse enough to warrant conditioning.

DECISION - SEPA

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

- [X] 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 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

Prior to Issuance of the Master Use Permit

The owner applicant/responsible party(s) shall:

- A. Revise plans to accommodate, in the existing garage via shared parking arrangements, 9 commercial vehicles on weekdays and 10 commercial vehicles on weekends during the

hours between 10:00 a.m. and 6:00 p.m. Alternatively, commercial parking demand may be satisfied offsite by covenant pursuant to SMC Section 23.54.025.

Prior to Issuance of any construction or demolition permit

The owner applicant/responsible party(s) shall:

1. Provide a copy of applicable PSCAA notice-of-application. The application should clearly indicate the extent of grading as well as the proposed demolitions.
2. Submit a revised geotechnical report with specific recommendations.

During Construction

The following condition(s) to be enforced during construction shall be posted at 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. If more than one street abuts the site, conditions shall be posted at each street. The conditions will 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 the construction.

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by to allow work of an emergency nature and/or to permit low noise exterior work (e.g., installation of landscaping) after approval from. Any request for modification of this condition must be made at least 3 working days in advance.
4. For the duration of the construction activity, the applicant/responsible party shall ensure that there are no demolition-, construction-, or grading-related truck trips during the a.m. and p.m. peak periods on U District vicinity roadways (between 7:00-9:00 a.m. and 4:00-6:00 p.m.).
5. The owner(s) and/or responsible party(s) shall ensure that all recommendations of a final (as opposed to preliminary) geotechnical report pertaining to proposed grading and construction are observed and implemented.

Prior to issuance of any certificate of occupancy (temporary or permanent) and for the life of the project:

6. The owner applicant/responsible party(s) shall document and ensure that commercial parking demand is met on site (by shared parking arrangements) or offsite by covenant pursuant to SMC Section 23.54.025.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance

- A. The owner applicant/responsible party(s) shall revise plans to:
 1. Show mirrors provided allowing drivers exiting the site full visibility of the entire sidewalk area. In addition, due to the residential nature of the project and anticipated

- intensive residential development of the nearby area, some form of silent or quiet pedestrian alerting system should also be provided.
2. Make the open space on the second level deck and the roof as visible to street as possible. This may require reconfiguration of the landscaped portion of the open space to more closely approach the roof's edge.
 3. Design and furnish the rooftop open space to be as inviting and functional as possible. Arrange permanent structures to maximize views; provide elements such as built-ins, appropriate movable furniture for seating and table space, high quality decking (e.g. Trex) and trellising.
 4. Include street level lighting enhancing structure and vicinity; show all proposed lighting on all floor plans and elevations.
 5. Simplify the color scheme.
 6. Include brick on building plans as shown in the MUP.
 7. Provide continuous weather protection all along 12th Avenue NE and around the corner at 50th Avenue NE to the west end of the structure.
 8. Take advantage of the opportunity in the south pocket park to create a safe and pleasant outdoor evening environment.
 9. Provide lighting and other methods as needed address safety issues in all potential outdoor nooks and crannies.
 10. Details of fenestration proposed to screen parking at the northwest corner of the structure, together with an actual sample of fenestration, are to be approved by DPD.
 11. Revise the color elevations to comport with the other representations of elevations, and in particular revise the color elevations to reflect the required bulk and scale mitigation (reveals and grates) shown on the 25 March 2005 west elevation.

Prior to finaling of any construction permit, or issuance of any certificate of occupancy (temporary or permanent):

7. A Land Use Planner shall verify that construction (including materials, landscaping, site plan, etc.) comports in all substantial regards with the concept approval conveyed by the issued Master Use Permit.

For the life of the project:

8. The owner(s) and/or responsible party(s) shall maintain the development in full consistency with the Design Review recommendations as represented on the approved Master User Permit set of plans. Any changes to exterior of building, site, landscaping, or improvements in the rights of way need to be reviewed and approved by DPD.

Compliance with condition #4, #5, and #6 must be verified and approved by the Land Use Planner, Paul Janos (206-386-9049) or the North Team supervisor (Cheryl Waldman, 206-233-3861) at the specified development stage, as required by the Director's decision. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

NON-APPEALABLE REQUIREMENTS:

- A. The owner(s) and/or responsible party(s) shall submit to DPD copies of the three recorded Letters of Intent to Dedicate Right-of-Way.
- B. The owner(s) and/or responsible party(s) shall submit to embed in Sets 1 and 2 of MUP plans colored copies of the design presentation drawings reviewed by the Design Review Board on 15 September 2003.
- C. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
- D. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
- E. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
- F. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
- G. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Signature: (signature on file) Date: May 2, 2005
Paul M. Janos, Land Use Planner
Land Use Services