City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3020860

Applicant Name: Kevin Tabari of Public 47 Architects

Address of Proposal: 1830 East Mercer St

SUMMARY OF PROPOSAL

Land Use Application to allow a 5-story structure containing 32 apartment units and 2,035 sq. ft. of retail at street level. Parking for 10 vehicles to be provided below grade and surface parking for 2 at the alley. The existing structure on site is to remain.

The following approvals are required:

Design Review with Departures - (Seattle Municipal Code 23.41)*

SEPA - Environmental Determination - (Seattle Municipal Code Chapter 25.05)

** Departures are listed near the end of the Design Review Analysis in this document*

SEPA DETERMINATION:

Determination of Non-Significance

☐ No mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

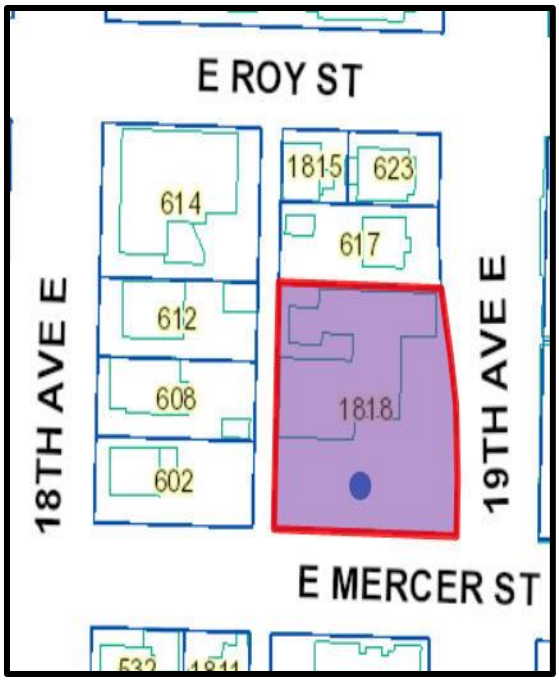
Site Zone: Neighborhood Commercial 1–40 (NC1-40)

Nearby Zones: North: NC1-40 and SF5000
South: NC1-40

West: SF5000
East: NC1-40 and SF5000

ECAs: None

Site Size: 19,420 sq. ft.



PUBLIC COMMENT:

The public comment period ended on January 6, 2016. In addition to the comment(s) 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 removal of trees including one exceptional tree, parking, traffic, pedestrian safety and height, bulk and scale. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and SMC 25.05.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The site is occupied by a two-story structure originally built in 1905 that has had many additions and modifications including a one story commercial space along 19th Ave E. The current uses are office space and a restaurant. The southern portion of the site is a surface parking lot.

The site is located in a two block Neighborhood Commercial zone surrounded mostly by a Single Family zone and a few blocks of a Lowrise zone. The commercial development along 19th Ave E consists of smaller storefronts housing restaurants and small businesses. Kitty-corner to the site is a recently completed 4 story mixed use development. Across E Mercer St is a 10 unit 2-story apartment building managed by the Seattle Housing Authority which was constructed in 1980. Across the alley are well maintained single family residences built in the first decade of the 1900's. Across 19th Ave E is a brick three-story mixed use building that was built in 1907.

One block to the north is St. Joseph's church and school and two blocks to the south is the Miller Community Center and Meany Middle School. A bus route runs down 19th Ave E.

The site is located within the Madison-Miller Residential Urban Village.

FIRST EARLY DESIGN GUIDANCE September 16, 2015

The packet includes materials presented at the meeting, and is available online by entering the project numbers 3020860 at this website:

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

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

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

PUBLIC COMMENT

The following public comments were offered at the meeting:

- Concerned that easy access to the existing commercial uses will disappear after this development is built.
- Concerned about further development of the site.
- Supported a corner residential lobby.
- Concerned about parking access on E Mercer St due to the housing authority project across the street.
- Concerned about the loss of trees as they provide a visual respite.
- Stated appreciation for a building with high quality materials and is looking forward to the development as an addition to the neighborhood.
- Stated support for the development kitty-corner to the site.
- Concerned about the loss of trees but appreciated the thought out plans.
- Preferred the alternative with the maximum amount of retail space.
- Supported and encouraged the parking to be provided.
- Encouraged the curb cut to parking access be located on 19th Ave E, as E Mercer is tough to navigate.
- Concerned about the loss of two parking spaces on E Mercer St.
- Encouraged the project and stated it would be better without parking.
- Supported retail space for small neighborhood uses.
- Encouraged a lobby off of 19th Ave E.
- Concerned about the solid waste storage location as it needs easy access.
- Encouraged solid retail space to support commercial pockets in urban neighborhoods.
- Noted that if the tree is exceptional and is removed, great landscaping should be provided.
- Commended the design team as the site is challenging.
- Encouraged the residential lobby on E Mercer St as a corner lobby would take up commercial space.
- Encouraged extending the retail space.
- Supported commercial use at the corner over a residential lobby.
- Stated a love of trees, but the trees on this site are not important.
- Appreciated the design team.
- Stated that E Mercer St parking needs to be accessed.
- Concerned about parking impacts from the project.
- Encouraged down lighting on the building.

RECOMMENDATION MEETING April 13, 2016

The packet includes materials presented at the meeting, and is available online by entering the project numbers 3020860 at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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PUBLIC COMMENT:

At the Recommendation meeting, three members of the public affixed their names to the sign-in sheet. In general, speakers' remarks lauded the project's design, in particular the storefront along 19th Ave and the level of attention to the masonry. Several speakers encouraged the Board to preserve the exceptional cedar tree as well as the other significant trees on site. Replacement trees should have a larger caliper than what the applicant proposes. The height of the building also proved problematic to some of those in attendance. The five-stories facing 19th Ave and a portion of Mercer St. exceed the height of all the nearby structures, disrupting, according to them, the intimate scale of the neighborhood. The four stories at the alley, according to the commenters, are excessive given the singe family neighborhood to the west.

Although comments differed on the merits of the quantity of parking proposed, speakers expressed their belief that the modest amount of tenant parking would exacerbate the scarcity of on-street parking. The safety of children, many of who walk to nearby schools, and the number of traffic accidents were highlighted by neighbors.

Seattle DCI received numerous letters detailing the applicant's failure to address the project's height, bulk and scale at the zone transitions to the west and its relationship to small commercial buildings along 19th Ave. Letters and emails also discussed parking and safety issues as well as the hope that the city would preserve the exceptional trees.

PRIORITIES & BOARD RECOMMENDATIONS

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

Early Design Guidance: September 16, 2015

1. **Massing Concept: The Board supported the applicant moving forward with their preferred Alternative 3, noting that it will add the most commercial frontage along 19th Ave E and enhance the context of the Madison-Miller Urban Village. (CS2.A.1) The following guidance was given:**
    a. In the courtyard between the existing and proposed structures, provide lighting and safety measures to discourage transient use. (PL2.B.2)
    b. Support the continuity of the commercial space at the existing building. (CS3.A.1)
    c. Proceed with the materials shown in the EDG packet. (DC4.A.1)

2. **Streetscape: The Board noted that all the alternatives added to the streetscape, but Alternative 3 was the strongest. (CS2.B.2) The following guidance was given:**
    a. Design the commercial space to activate the corner. (PL3.C.1)
    b. The lobby entry should be well designed. (PL3A.2)
    c. Explore the use of the residential lobby to access the existing building uses and services. (PL3A.2)

3. **Access to Parking: The Board agreed that access to parking from E Mercer St. was not a great location but it appeared to be the preferable location to access the mostly underground parking and to maximize commercial space along 19th Ave E and the site corner. (CS1.C.1, DC1.B.1)**
    a. Consider reducing the sight triangles at the garage entry on E Mercer St. The Board indicated support for a departure to allow mirrors instead of full site triangles to reduce the size of the parking entry. (DC1.C.2)

4. **Cedar Tree along 19th Ave E: The Board was supportive of removing the tree and stated that a strong commercial frontage on 19th Ave E and at the site corner is preferred over saving the tree. However a strong streetscape including high quality landscaping must be provided. (DC4.D.4**) [Staff note: if an arborist determines the tree is exceptional and in good health, the Board will need to vote to recommend removal of the tree.]
    a. Provide high quality landscaping along the street and on site. (DC4.D.4)

At the Recommendation Meeting provide the following:

- Provide elevations and color renderings from eye level to show what the E Mercer St. streetscape with the parking access and lobby will look like.
- Provide a well-considered plan of where solid waste will be stored and how it will be serviced.

RECOMMENDATION MEETING April 13, 2016

1. **Exceptional Tree:** The Board reasoned that the exceptional tree's location well above sidewalk level would make it cumbersome to design and construct a building around it. At the Early Design Guidance meeting, the Board members directed the applicant to produce a strong commercial frontage on 19th Ave E and at the site's corner. The streetscape must include high quality landscaping. The applicant's design with its wood and glass storefront (including floor to ceiling sliding windows) in response to the earlier guidance received the Board's commendation. (CS1-C, CS1-D)
    a. The Board recommended that the proposed street trees (Greenvase Zelkova, Scarlet Oak and Hornbeam) possess a larger caliper at planting than the 2 ½ inches specified in the Recommendation booklet (p. 35) in order to expiate the loss of the exceptional tree, the junipers and the mature Locusts. (CS1-C, CS1-D)

2. **Height, Bulk and Scale**: The proposed mixed-use building's height along 19th Ave exceeds those of other commercial and residential structures in the immediate area. The two newer buildings across 19th Ave and south of Mercer St. rise four-stories increasing the height from the one to three story older edifices lining 19th Ave. St. Joseph's Church, one block to the north, will remain the tallest structure. The Board did not attempt to alter the proposed massing as it extends to five floors on the east and steps down in height as it approaches the single family homes across the alley. (CS2-A, CS2-B, CS2-C.1, CS2-D)

3. **Architectural Context**: The use of black brick and wood for the project complements other brick and wood buildings along 19th Ave E. including the dark masonry at the front of the Capitol Court apartments and red brick of the Parkside apartments among others. With tall, operable storefront windows stretching along 19th Ave, the building extends the commercial character of the adjacent Monsoon restaurant and the small shops and restaurants at the base of 526 19th Ave E. (CS3-A.1)

4. **Entries and Residential Frontage:** The Board observed that the execution of the residential entry porch with its steps and concrete wall mediating the slope along Mercer St. did not appear attuned to the pedestrian character of the neighborhood. Unlike the applicant's inspirational image of the framed recessed entry (pages 7 and 41 of the Recommendation booklet) of an older brick apartment building that entices or attracts the pedestrian into the building, the proposed concrete wall acts to obscure the entry. Of course, this has architectural precedence, too. The Board found the height and extent of the concrete unwelcoming in contrast to the richer materials of brick and wood elsewhere on the Mercer St. street front. The applicant will need to revise the wall to reduce the amount of concrete and reveal the entry in keeping the openness of the neighborhood (recommended condition). (PL3-A.1)

5. **Entries and Residential Frontage:** The applicant elected to locate access to the parking garage mid-way on Mercer St. rather than the alley. This access reduces the amount of ramping and excavation needed for the garage. City code prefers the alley; however, the Board recommended approval of a departure request to allow parking access from a street. (DC1-B.1)

6. **Parking Access:** The applicant requested two departures concerning parking and access to the garage. The parking garage, due in part to the sloping topography, extends to the right of way. The Land Use Code requires a separation between a garage and the street facing façade. In the proposal, a portion of the garage rises above the sloping ground plain. The design features a perforated brick screen at portions above grade which allows natural ventilation into the garage. The brick screen with its regular gaps to allow air flow provides texture to the masonry wall and complements the corbeling which occurs elsewhere on the façades.
    a. The Board recommended approval of a departure to reduce the driver's side sight triangle at the garage entrance by 1'10". The applicant will provide a visual warning system. The Board recommended a condition to change the paving of the sidewalk in front of the driveway to help warn pedestrians of the garage's presence. (DC1-C.2)

7. **Architectural Composition:** Although the use of black brick and staggered patterns of fenestration are the material and compositional memes of recent architectural design, the patterning of the brick walls by corbeling should achieve a degree of elegance and sophistication unseen in comparable residential and mixed use buildings.
    a. The Board and staff applauded this attempt to reintroduce subtle texture and pattern to a masonry building, particularly in this building type. (DC2-B, DC2-C.1, DC2-D)

8. **Signage:** The architect did not include the signage concept plan in the review booklet or bring drawings to the Recommendation meeting. He did discuss three signage types including painting directly on the storefront windows for the retail business. Given the high quality of the overall design, the Board felt comfortable with the explanation. Commercial signage on the brick wall to one side of the steps from 19th Ave to the courtyard is shown in the packet (p. 20). (DC4-B)

9. **Lighting:** The Board raised doubt about the adequacy of the lighting along the steps from 19th Ave leading to the courtyard. To meet safety and security needs, additional lighting beyond that of the recessed lights shown on p. 43 of the booklet will need to be provided. (PL2-B.2, DC4-C)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the Design Review website.

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

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

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

CS2-A Location in the City and Neighborhood

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

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

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

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

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

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

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

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for 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-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

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

PL3-C Retail Edges

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

DESIGN CONCEPT

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

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

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

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

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

DC2-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-D Scale and Texture

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

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or "texture," particularly at the street level and other areas where pedestrians predominate.

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-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

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

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures are based upon the departure's 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 Recommendation meeting 4 departures were requested.

1. **Access to Parking (SMC 23.47A.032.A.1.a):** The Code states "Access to parking shall be from the alley if the lot abuts an alley improved to the standards of subsection 23.53.030.C, or if the Director determines that alley access is feasible and desirable to mitigate parking access impacts. If alley access is infeasible, the Director may allow street access."

   The applicant requested a departure to provide access to the underground parking from E. Mercer St rather than the alley

   This departure would provide an overall design that would better meet the intent of Design Guidelines **CS1-C-1. Land Form:** Use natural topography and desirable landforms to inform project design and **CS2-B-2. Connection to the Street:** Identify opportunities for the project to make a strong connection to the street and public realm. The topography of the site with the high point along the alley would necessitate a ramp into the below grade parking that would result in fewer parking spaces and diminish the depth of the commercial space off of 19th Ave E. **CS2-D-5. Respect for Adjacent Sites:** Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings. By providing parking access from E Mercer St instead of the alley, the development will help minimize use of the alley, respecting the Single Family zone across the alley.

   The Board voted unanimously to recommend this departure.

2. **Access to Parking (SMC 23.47A.032.B.1.b):** The Code states "Within a structure, street-level parking shall be separated from street-level, street-facing facades by another permitted use. This requirement does not apply to access to parking meeting the standards of subsection 23.47A.032.A"

   The applicant requested a departure for a portion of the enclosed parking along the E Mercer St facade to be allowed without an intervening use.

   This departure would provide an overall design that would better meet the intent of Design Guidelines **CS1-C-1. Land Form:** Use natural topography and desirable landforms to inform project design. E Mercer Street slopes downward from the alley to 19th Ave E. creating a situation where the enclosed parking will be mostly below the line of the sidewalk. The façade area that is above the line of the sidewalk and is not part of the residential entry will have a brick screen that will meet the intent of guidelines **DC2-C-1. Visual Depth and Interest:** Add depth to facades where

appropriate by incorporating…or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian…. and DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept.

The Board voted unanimously to recommend this departure

3. **Parking Standards - Sight Triangles (SMC 23.54.030.G):** The Code states "For exit-only driveways and easements, and two way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk."

   The applicant requested a departure for a reduction in the size of the sight triangle from 10' to 8'-2"to the east of the garage entry.

   This departure would provide an overall design that would better meet the intent of Design **Guideline DC1-C-2. Visual Impacts:** Reduce the visual impacts of parking…entrances…. Given the setback of the parking entry to the sidewalk, the reduced sight triangle will help minimize the visual impact of the garage entry.

   The Board voted unanimously to recommend this departure with a recommended condition to provide a visual warning system at the garage door and a change in the paving of the sidewalk in front of the driveway to warn pedestrians of the garage's presence.

4. **Residential Uses at Street Level (SMC 23.47A.005.C.1.e):** The Code states that within an NC1 zone, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing façade.

   The applicant proposed 97' or 78% of the street-level uses along E Mercer St be residential uses.

   This departure would provide an overall design that would better meet the intent of Design Guidelines **CS2-D-2. Existing Site Features:** Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties, and **CS2-D-5. Respect for Adjacent Sites:** Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings. Along sloped E Mercer St designing successful commercial space would be difficult and by providing residential uses instead, will create a transition from the commercial uses along 19th Ave E and the corner to the single family zone to the west of the site.

   The Board voted unanimously to recommend this departure.

Exceptional Tree

Staff Note: At the Recommendation meeting the applicant presented an alternate design option showing development retaining the Exceptional Western Red cedar tree along 19th Ave E. The Board considered the proposed design with this tree removed, and the alternate design with the tree retained. The Board unanimously recommended approval of the design that included removal of the exceptional tree, as this design better met the intent of the Design Guidelines. (CS1-C, CS1-D)

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated April 13, 2016, and the materials shown and verbally described by the applicant at the April 13, 2016 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, six Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Increase the caliper of the proposed street trees (Greenvase Zelkova, Scarlet Oak and Hornbeam) to greater than the 2 ½ inches specified in the Recommendation booklet (p. 35). (CS1-D.2)
2. Provide a visual warning system at the garage door and a change in the paving of the sidewalk in front of the driveway to warn pedestrians of the garage's presence. (DC1-C.2)
3. Specify and install additional lighting along the steps from 19th Ave leading to the courtyard beyond that of the recessed lights shown on p. 43 of the Recommendation meeting booklet. (PL2-B.2, DC4-C)
4. Revise the concrete wall at the steps in front of the E. Mercer St. residential entry to reduce the height, length and extent of the concrete. Consider using wood and or brick in keeping with the predominant materials of the facades. (PL3-A.1)

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 Seattle DCI Director's decision reads in part as follows:

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

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

Subject to the recommended 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 April 13, 2016, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Six 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, Seattle DCI 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 Conditions:

1. The applicant responded in the MUP plan set by indicating on the plant schedule that the Hornbeam, Scarlett Oak and Greenvase Zelkova trees to be planted in the right-of-way will have a 3" caliper size, therefore satisfying condition #1.
2. The applicant responded in the MUP plan set by changing the design so that the sidewalk between the curb cut and the garage entry will have a 1' by 2' scoring with a heavy broom finish different than the typical 2' by 2' scoring of the sidewalk, and a "caution vehicle exiting" LED surface mounted sign will be located across the garage entry from where the sight triangle will have reduced dimensions, therefore satisfying condition #2.
3. The applicant responded in the MUP plan set by adding four additional lighting fixtures in the stairs up from 19th Ave E, therefore satisfying condition #3.
4. The applicant responded by submitting two revised design options which showed a design with a reduced wall and either brick or concrete as the material. Seattle DCI agreed that the reduced concrete wall with a metal railing similar to the railings of the balconies was the stronger design. This design is shown in the MUP plan set, therefore satisfying condition #4.

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

The Director of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the six 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.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and CONDITIONALLY APPROVES the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the 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 11/12/2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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

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

Short Term Impacts

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

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 and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - 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 residential parking zones. 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 Impacts - Noise

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

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.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; and 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, height bulk and scale, historic resources, parking, plants, and traffic 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, and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

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

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

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

Historic Preservation

The existing structure on site is more than 50 years old, but this structure is to remain. No mitigation is warranted per SMC 25.05.675.H.

Parking

The proposed development includes 32 residential units with 10 off-street vehicular parking spaces. The traffic and parking analysis Memorandum by TENW on February 19, 2016 indicates a peak demand of up to 23 vehicles from the proposed development. The Parking analysis noted that due to the proximity of transit and non-motorized travel options, the peak parking demand from this proposal would likely be for 17 vehicles in the evenings and 19 vehicles during daytime hours. Peak residential demand typically occurs overnight. Peak commercial demand typically occurs during daytime hours.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 83% within 800' of the site, during weekday evening hours. The proposed development peak demand of 23 parking spaces would not be accommodated by the proposed 12 parking off-street spaces in the development, resulting in a spillover demand for 11 on-street parking spaces. With the reduced parking demand of 17 to 19 parking spaces due to proximity of transit and non-motorized travel options, the spillover demand would be for 5 to 7 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of up to 88%.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in an Urban Villages within 1,320 feet of frequent Transit service. This site is located in the Miller-Madison Urban Village within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

Plants

Mature vegetation is located on the site, including several mature trees and one exceptional tree. The location of this tree is described in the arborist report and page 13 of this document (the Design Review Recommendations). The applicant submitted an arborist report by Tree Solutions on September 29, 2015 and a revised arborist report on January 22, 2016. The arborist reports identified the exceptional 42-inch western red cedar tree on the MUP plan set. Seattle DCI's Arborist has reviewed the information.

Removal of the tree as related to the proposed design is discussed in the Design Review section earlier in this decision. The Design Review Board recommended that the proposed building and landscape design meets the Design Review Guidelines better than a design that retains the existing exceptional tree.
Seattle DCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

Transportation

The Traffic Impact Analysis memorandum done by TENW on December 16, 2015 indicated that the project is expected to generate a net total of 290 new daily vehicle trips, with 17 net new PM Peak Hour trips and 13 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant.

The development will increase pedestrian and vehicle traffic in the area, including crossings of 19th Ave E. Crossing 19th Ave E can be an uncomfortable experience due to the existing sight lines and crossing distance. A curb bulb can create additional pedestrian space and increase both comfort and safety for pedestrians. To reduce the impact of additional crossing of 19th Ave E, the

project will be conditioned to provide a curb bulb on 19th Ave E adjacent to the project site. No other mitigation is warranted per SMC 25.05.675.R.

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 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.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner Beth Hartwick at beth.hartwick@seattle.gov or 206 684-0814.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. 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.

Prior to Issuance of Certificate of Occupancy

3. Subject to SDOT approval, construct or provide funding for SDOT to construct a curb bulb adjacent to the project site, shortening the crossing distance of 19th Ave E.

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

Date: September 1, 2016

BH:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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