



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

Record Number: 3040139-LU

Applicant: Jodi Patterson-O'Hare

Address of Proposal: 3831 Stone Way North

SUMMARY OF PROPOSAL

Land Use Application to allow a 7-story, 230-unit apartment building with retail. Parking for 158 vehicles proposed. Early Design Guidance conducted under 3040198-EG.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code (SMC) Chapter 23.41)*

**Any departures are listed near the end of the Design Review Analysis section of this decision.*

Note: The project included a review under the State Environmental Policy Act (SEPA) upon the applicant's submission of this master use permit (MUP) in March of 2023. Recent changes to State Law (SB 5412) allow for an exemption of environmental review for certain projects beginning 7/23/2023. The applicant applied for the SEPA exemption and received approval from SDCl. Therefore, the SEPA review no longer applies to this project. The MUP decision is focused on the design review requirements under SMC 23.41.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCl's files will control.

SITE AND VICINITY

Site Description: The subject site is located on the boundary between the Fremont and Wallingford neighborhoods along Stone Way N. The site comprises four existing tax parcels developed with commercial structures built in 1948 and 1950, a warehouse built in 1980, and an office building constructed in 1982. The irregular shaped site slopes downward northwest to southeast approximately twelve feet. Rights of way forming the perimeter of the property include Stone Way N. to the east, N. 39th St to the north, Bridge Way N. to the northwest, and Woodland Park Ave N to the west. Vehicle access is currently provided to the project site from Bridge Way N., Stone Way N. and N. 39th Street.

Site Zone: NC2-75(M1) (Neighborhood Commercial 2, 75-foot height limit)

Adjacent Zoning: (North) Neighborhood Commercial 2P(pedestrian)-55-foot height limit & Neighborhood Commercial 3P-55
(South) Neighborhood Commercial 2-75
(East) Neighborhood Commercial 2-55
(West) Neighborhood Commercial 2P-55

Environmentally Critical Areas: No mapped environmentally critical areas are present on the subject site.

Current and Surrounding Development; Neighborhood Character

Stone Way N is a minor arterial providing north-south circulation through the Fremont and Wallingford neighborhoods and functions as a neighborhood commercial corridor developed with a mix of building uses and scales ranging from smaller single-story commercial and service buildings to larger-scale five-story multifamily / mixed-use structures. A similar development pattern is present along Woodland Park Ave N to the south of Bridge Way N. A transition to smaller scale townhouse, lowrise multifamily, and single-family uses occurs in the blocks to the east and west. Bridge Way N is a minor arterial traversing the orthogonal street grid in the northeasterly direction from Aurora Ave N to the west and intercepting Stone Way N one block to the north from the development site.

The neighborhood fabric reflects the varying eras of development and their associated scale and architectural styles which span the twentieth and twenty-first centuries. Smaller scale buildings, notably traditional styles of single-family and small multifamily structures, date from the early 1900s. Midsize one- to two-story office and industrial structures reflect midcentury modern design in their use of geometry, masonry, and extensive glazing.

Larger scale midrise structures built in recent decades have included mixed-use structures (apartments built above modest amounts of commercial use) which are four- to six-stories in height. Defined podiums addressing the pedestrian realm, extensive amounts of fenestration and balconies are common features. The area has witnessed the replacement of single-family and lowrise structures with larger scale mid-rise mixed-use residential developments. The area

was rezoned from Commercial 1-40 to Neighborhood Commercial 2-75 (M1) on April 19, 2019. Multiple projects in the vicinity are currently in review or under construction for proposed development, including 3665 Stone Way and 3670 Woodland Park Ave N.

PUBLIC COMMENT

The public comment period ended on April 10, 2023. In addition to the comments received through the design review process, other comments were received included the following:

- A request from the Duwamish Tribe that an inadvertent discovery plan during demolition and construction if ground disturbance on the project site goes below existing fill depth.
- The Department of Ecology provided comments on the SEPA checklist.
- Requested incorporating a grocery store into the design to provide necessary services to residents.

ANALYSIS – DESIGN REVIEW

The design review packets include information presented at the meetings and are available online by entering the record numbers at this website:

<http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

The meeting reports and any recordings of the Design Review Board meetings are available in the project file. The meeting reports summarize the meetings and are not transcripts.

EARLY DESIGN GUIDANCE January 30, 2023

PUBLIC COMMENT

No public comments were offered at this meeting.

SDCI received the following design related comments in writing prior to the meeting:

- The concept was well-thought out and consistent.
- Appreciated the brick homage to Stone Way Hardware.
- Requested a small plaza or amenity space abutting the Stone Way sidewalk to help create a destination on the large block.

SDCI received non-design related comments concerning parking and housing demand. These comments are outside the scope of design review.

The Seattle Department of Transportation offered the following comments:

- The project frontages on Stone Way N, N 39th St, and Bridge Way N are required to meet the minimum standards of a 6" curb, 6' sidewalk, and 5.5' planting strip with streets trees.
- Intersections are required to have ADA compliant curb ramps.

- The existing street trees on Stone Way N are required to be protected and retained, as shown in the design packet.
- Supports taking vehicle access and solid waste collection from N 39th St.
- Strongly encourages onsite solid waste staging and collection; however, SDOT has discussed solid waste collection with the applicant and come to an acceptable option for ROW collection.

Seattle Public Utilities offered the following comments:

- SPU does not recommend the use of uncompacted containers for residential. However, due to site limitations, SPU and the applicant have come to an acceptable option for on-site collection of uncompacted containers.
- As an SPU best management practice, we strongly encourage projects to plan on-floor access to solid waste disposal via chutes or a combination of chutes and carts.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

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.

1. Site Analysis

- a. The Board discussed the site analysis provided in the early design guidance packet. Overall, the analysis appropriately identified the project site as a gateway site. The Board noted the analysis lacked information the architect was drawing inspiration from to create the three massing schemes. Board members discussed how the analysis showed a number of context sites, however, more sites along Stone Way would have been beneficial. Additional analysis was needed to show how the existing buildings influence the design and how the building's design fits with other Stone Way developments given the evolving context of the neighborhood. (CS2-C, CS3-A)

2. Massing

- a. After a focused discussion on all three schemes, the Board favored the applicant's preferred scheme, Scheme C. The Board identified the following positive aspects of Scheme C:
 - Provided a strong street frontage.
 - Provided an appropriate open space orientation to the south which will make the courtyard more successful
 - Supported the A/B architectural language in Scheme C included in the massing (CS2-C, CS2-D)

- b. Although the Board supported Scheme C, they thought the A/B architectural language concept needed more rigor with a clearer set of rules on how the architectural language applies to the whole building. The Board commented that with three adjacent streets the expression of the A/B language ought to be more successful. The Board members pointed out how the B architectural language started to reveal itself on the ground level along Stone Way. The Board suggested that language continue to wrap around the building as it fronts 39th Street. (DC2-A, DC2-B, DC2-C)

3. Ground Floor Plan

- a. The Board supported the location of the interior courtyard and recommended the applicant further study how to create a connection from the courtyard to the sidewalk along Stone Way N. Board members thought with this connection in place it would enhance the courtyard's design. In addition, the Board requested further details on the main entry lobby and its connection with the courtyard connection to the sidewalk. The Board requested the recommendation packet include dimensions of the main entry lobby and include details for benches and lighting that would assist in creating a sense of arrival. (PL3-A, DC3-B)
- b. The Board discussed the proposed service uses along N. 39th Street and supported the concentration of driveway access, trash storage, and utility rooms along the ground level. The board noted that the concentration of these functional uses makes sense along N. 39th Street. The Board requested the solid waste collection be resolved with a plan in place at the recommendation meeting. (PL4-A)
- c. During the discussion of the ground level residential units along Bridge Way N., Board members supported the location of the units. However, the Board noted that without stairs and stoops to the units from the sidewalk, the ground level spaces are typically not used very much. This tends to turn the outdoor spaces into storage spaces, diminishing the potential for activity and eyes on the street for these units. The Board requested the applicant provide buffers in the recommendation packet for the ground level units. (DC3-B)
- d. The Board had concerns about the overall circulation within the building, specifically the ground level units along Bridge Way N., noting there is a lack of connection from Bridge Way N. to Stone Way N. To address this concern, the Board discussed another entry into the building from Bridge Way N. and requested the applicant study incorporating a second entry from Bridge Way N. (PL3-A)
- e. The Board requested the applicant provide the finish floor elevations of the commercial spaces. In the recommendation packet the design should show the connection between the commercial spaces and the adjacent sidewalk. (PL3-A)

4. Materials

- a. The Board discussed the importance of making the A/B architectural language work with the chosen materials across the three street sides of the building. The Board

recommended the applicant relate the A/B materials to the resolution of massing changes, noting that the major massing moves of the building need to be executed well. Board members also recommended the A/B architectural language, and associated materials, relate to window proportions, demonstrate to the reveals and the corner balconies, and to the entire building. (DC2-B, DC4-A)

RECOMMENDATION September 18, 2023

PUBLIC COMMENT

No public comments were offered at this meeting.

SDCI staff received the following design related comments in writing prior to the meeting:

- Strongly recommended only native vegetation is planted for proposed landscaping in the planters. Native plants will provide additional support for native avian and native pollinators.

SDCI received non-design related comments concerning archeological and environmental reviews. These comments are outside the scope of design review.

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.

1. Site Analysis:

- a. The Board recommended approval of the building design stating that the building design fits well within the neighborhood's building context. Board members noted the commercial activation at the corner of the building was appropriate and well designed. (CS2-A-1, CS2-C-1, CS2-D)

2. Massing:

- a. The Board recommended approval of the building's massing design, noting that they support the evolution of the design and its response to the early design guidance. (CS2-C, CS2-D)
- b. The Board recommended approval of the overall scale of the building noting the brick and metal bays incorporated into the building design were an appropriate design move and resulting scale. Board members also supported the windows selection and framing of the brick details framing the windows, stating that the scale of windows and window framing were well done and helped the building fit into the nearby context. (CS2-D, CS3-A)

3. Ground Floor:

- a. The Board recommended approval of the incorporation of the darker materials and associated reveals along the street frontages. (DC2-B, DC2-C)
- b. Board members noted that the darker reveals at the NE corner of the building did not align with the commercial entry, creating challenges in the façade composition. The Board recommended a condition that the applicant study whether moving the commercial entry door to align with the reveal or moving the reveal off the NE corner to align with the entry door results in a better design composition. (DC2-B, DC2-C)
- c. The Board had concerns on the material change above the garage door on N. 39th Street. Board members thought it may be a stronger design feature to separate the metal and brick materials above the garage door. The Board recommended a condition to study the material change around the garage door. The purpose of the study is to determine a combination of materials that would provide a clear language of the step in the building mass and de-emphasize the metal garage door. (DC2-B-1)
- d. The Board generally supported the street level design along Stone Way N. However, the Board discussed the need for additional activation of this street edge and recommended a condition that the applicant study the street edge and determine if space is available for seating and benches. (PL1-A)
- e. The Board had concerns that the metal railing along the sidewalk on Bridge Way N. was industrial-looking, unrelated to the design concept, and created an unwelcoming condition along the sidewalk. The Board suggested incorporating horizontal elements into the railings to create a more residential, welcoming street edge. The Board declined to recommend this as a condition of approval. (DC2-C)
- f. The Board expressed concern with the two residential units at the street level in the southwest corner of the site (units shown in departure request #1). The Board was concerned with the livability related to privacy and safety of the units, due to their close proximity to the street and sidewalk. The Board recommended a condition that the applicant study ways to pull the two units back from the sidewalk and create a buffer between the units and sidewalk edge. (PL3-B-1, PL3-B-2)

4. Materials:

- a. The Board recommended approval of the overall material palette and the application of these materials on the building. (DC4-A)

5. NE Corner of the Building:

- a. The Board had concerns about the commercial recess at the northeast corner of the building. Board members thought the recess appeared empty and didn't enhance the use of the open space at that location. To avoid this empty, blank corner, the Board recommended a condition that a bench be incorporated into the commercial recess to assist in activating the space. (PL1-B-3, DC3-C-2)

6. Courtyard:

- a. The Board recommended approval of the courtyard stating that it is generally well thought out and the courtyard space is vital to the interior of the building. Board members had concerns that the walls within the courtyard visually separated the outdoor amenity space from the landscaping and the bio retention planters. The Board recommended a condition that the applicant study how to reduce the height of the walls, and thereby their visibility, in the courtyard space. The intent of the Board's condition is to create a more unified courtyard space by reducing the visibility of the walls separating the landscaping, bio retention, and amenity space within the courtyard. (DC3-B-1, PL1-B-3, PL1-C-1)

7. Streetscape:

- a. The Board had concerns with the proposed street tree species along N. 39th Street, noting that the species is more of an open evergreen tree. The Board encouraged the applicant to work with the Seattle Department of Transportation (SDOT) to select tree species that will provide more screening of the garage entrance and trash collection area when fully mature. The Board also encouraged the applicant to include low barriers along the landscaping strips in the right-of-way to prevent pedestrians and pets from trampling or otherwise disturbing the landscaping. The Board encouraged the applicant to include native plants with the planting strips in the street right-of-way. Staff notes that any plantings or structures in the public right of way are subject to approval by SDOT. The Board declined to recommend the changes to the landscaping in the right-of-way as a condition of approval. (DC4-D-1, DC4-D-3)

DEVELOPMENT STANDARD DEPARTURES

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

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

1. **Street Level Dwelling Unit (SMC 23.47A.008.D.2):** The Code requires the floor of a dwelling unit located along the street level, street-facing façade to be at least 4 feet above or 4 feet below the sidewalk grade or be set back at least 10 feet from the sidewalk.

The applicant is requesting a departure from this standard to permit two units at the southwest corner of the site that are at grade with the sidewalk to have a setback of 2 feet 5 inches instead of the required 10 feet.

The Board recommended approval of the departure request with a vote of 2 to 1. The majority of the Board agreed with the applicant's rationale which stated that the reduced setback maintains the urban edge established by the neighboring building to the south and the alignment creates a continuous and cohesive public realm by fitting old and new together. The resulting design with the departure better meets the intent of Design

Guidelines CS3-A-1 Fitting Old and New Together, PL1-B Walkways and Connections, PL3-B Residential Edges.

2. **Façade Transparency (SMC 23.47A.008.B.2.a):** The Code requires sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent.

The applicant is requesting a departure from this standard to reduce the transparent percentage from 60% to 43% transparency along N. 39th Street.

The Board recommended approval of the departure request. The Board agreed with the applicant's rationale which stated that the irregular shape of the site with three street sides results in N. 39th Street having limited room to meet the required transparency. The applicant states that solid walls have been broken, stepping in and out with varying materials, to create character along this façade. The resulting design with the departure better meets the intent of Design Guidelines CS2-B-1 Site Characteristics, DC2-C-1 Visual Depth and Interest.

3. **Sight Triangle (SMC 23.54.030.G.2 and G.3):** The Code requires for two way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit 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 entrance and exit lanes shall be clearly identified (G.2)

The Code requires the sight triangle shall be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground (G.3)

The applicant is requesting a departure from this standard to reduce the horizontal width of the site triangle to 8 feet-4 inches as well as allow a structural column within the sight triangle. The column is between 32 inches and 82 inches above the ground.

The Board conditionally recommended approval of the departure request. The Board agreed with the applicant's rationale that recessing the driveway to reduce visual impacts was a better response to Design Guidelines, even though this resulted in the column being located within the sight triangle. Although the applicant proposed convex mirrors on each side of the driveway entrance to increase safety at the driveway intersection, the Board recommended the departure be conditioned to include additional safety features. These additional features may include signaling or other visual alerts for pedestrians when vehicles are exiting the garage. With this condition, the design with the departure better meets the intent of Design Guidelines CS2-B-1 Site Characteristics, DC1-B-1 Access Location and Design, and DC1-C-2 Visual Impacts.

DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by the Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. 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-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

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

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

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-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

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.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.
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PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

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.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

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

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

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

PL3-B Residential Edges

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

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

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

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

PL3-C Retail Edges

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

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

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

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

DESIGN CONCEPT

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

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

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-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

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-3. Multiple Uses: Design parking areas to serve multiple uses such as children's play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

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-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

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

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

DC2-C Secondary Architectural Features

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

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

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

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.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

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

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

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

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

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

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

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-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-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

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

DC4-E Project Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated September 18, 2023, and the materials shown and verbally described by the applicant at the Monday, September 18, 2023 Design Recommendation meeting. After considering the site and context, reconsidering the previously identified design priorities and reviewing the materials, the three Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Study which design change creates a better facade composition at the NE corner of the building:
 - moving the commercial entry door to align with the reveal or;
 - move the reveal off the NE corner to align with the entry door. (DC2-B, DC2-C)
2. Study the material change around the garage door to determine a combination of materials that would provide a clear language of the step in the building mass and de-emphasize the metal garage door. (DC2-B-1)
3. Study the street edge along Stone Way and determine if space is available for seating and benches to better activate the street frontage. (PL1-A)
4. Study ways to pull the two units at the southwest corner (shown in departure request #1) back from the sidewalk and create a buffer between the units and sidewalk edge. (PL3-B-1, PL3-B-2)
5. Incorporate a bench or other type of seating into the commercial recess at the northeast corner of the building. (PL1-B-3, DC3-C-2)

6. Study how to reduce the height of the walls in the courtyard space to reduce visual separation of the landscaping, bio retention, and amenity space. (DC3-B-1, PL1-B-3, PL1-C-1)
7. Include additional safety features at the vehicle entry/exit location along N. 39th Street. These additional features may include signaling or other visual alerts for pedestrians when vehicles are exiting the garage. (CS2-B-1, DC1-B-1, DC1-C-2)

ANALYSIS & DECISION – DESIGN REVIEW

DIRECTOR'S ANALYSIS

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describes the content of the SDCI Director's decision 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 review guidelines.

At the conclusion of the Recommendation meeting held on September 18, 2023, the Board recommended approval of the project with the recommendations described in the summary of the Recommendation meeting above.

Two members of the Northeast Design Review Board and one alternate member were in attendance and provided recommendations (listed above) to the Director and identified elements of the design review 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.F.3).

The Director agrees with the Design Review Board's conclusion that the proposed project and the conditions imposed results in a design that best meets the intent of the design review guidelines (SMC 23.41.010) and accepts the recommendations noted by the Board.

Following the Recommendation meeting, the architect submitted design studies to address the Board's recommended conditions on November 30, 2023. The following summaries from the design studies address each of the recommended conditions (conditions 1 – 6):

Response to condition 1 –

The applicant's study shows that realigning the entry to the corner creates a grade change between the sidewalk and commercial floor. This grade change creates an entry condition that leads to stairs dominating the corner glazing. This design option would tend to have the opposite effect of creating a lively interior condition at the corner. The proposed design locates the stair access against the back wall to maintain the glazed corner and accommodate an active interior space.

While the study concludes that the congestion at the balcony and canopy condenses the corner, reducing glazing and creating a substantial overhead bulk. However, less overhead bulk would be created if the canopy were removed. The balcony could serve dual purposes, as a balcony and overhead weather protection for the entry. Staff agrees with the applicant's intended design feature, one in which canopy is located within its own brick bay, in line with the design concept at the other commercial entries for the building.

Response to condition 2 –

As noted at the design review meeting, the intent of the ground level brick datum is to respond to the grade along the building. The selected location balances the gain in elevation around the entirety of the site with the perceived weight of the brick material against the scale of the overall elevation. While the study requested does create a more delineated transition between the metal and brick at the garage door, it brings the brick down to a point overhead where it pinches the ground floor with the rising grade. As the study notes, if the brick transition is not raised along with the rising grade of the street and sidewalk, the next reasonable point based on the building composition would be at the gasket, which pulls the heavy brick along the entirety of the north elevation.

Staff supports the proposed design transition of the brick at the trash room, aligning with a notable jump up in the sidewalk elevation. This change also emphasizes the transition between the commercial use at the corner and residential uses beyond, utilizing the large brick pier between the uses.

Response to condition 3 –

The proposed design is aligned with new developments on Stone Way, utilizing the right-of-way for planting, short term bike parking, and access to/from vehicles. The applicant studied how to accommodate seating in the right-of-way adjacent to the commercial spaces of the building. To fit seating on the building side, the depth of the commercial space would reduce below code and practical minimums. The sidewalk

width along the frontage of the project site comfortably allows pedestrians to walk and pass in either direction. Introducing outdoor seating would further restrict the available sidewalk width for pedestrians and, as the applicant noted, require the commercial space to decrease in depth. For these reasons staff agrees with the applicant's analysis and conclusion to not introduce seating and benches along the sidewalk.

Response to condition 4 –

The majority of the design review board recommended approving the applicant's departure request to reduce the setback for two units. The applicant's rationale in the departure request stated that the reduced setback maintains the urban edge established by the neighboring building to the south and the alignment creates a continuous and cohesive public realm by fitting old and new together. In addition to granting the departure request, the Board recommended a condition that the applicant study ways to pull the two units at the southwest corner back from the sidewalk and create a buffer between the units and sidewalk edge. However, the Board granted the departure request for the two units without conditioning the departure. Staff agrees with the applicant's proposed design and finds an additional study is not warranted with the departure request recommended for approval.

Response to condition 5 –

The applicant provided a study and concluded that leaving the space adjacent to the storefront at the building corner open for tenant use would maximizing transparency and internal activation. The applicant proposed seating abutting the green space in lieu of seating against the glass. The applicant states that seating abutting the green space will still provide activation without crowding the commercial use.

The Board's recommended condition was to incorporate a bench or other type of seating into the commercial recess at the northeast corner of the building, not to study an alternative location. Therefore, staff is conditioning the MUP to update the plan set to include a bench or other type of seating into the commercial recess at the northwest corner of the building.

Response to condition 6 –

The applicant provided a study to clarify that the height of the walls do not obstruct views. The study demonstrates the maximum wall height in the courtyard, located against the unit patios, is the minimum required to provide bioretention planters per the city's criteria. To mitigate this height, the landscaping builds up from a low rock wall against the common outdoor plaza, to the bio-retention planters. Mounded soil and plants of varying heights assist in softening the interior space and provide for some privacy between the common space and the private unit patios at the courtyard level.

Staff agrees with the above assessment and support maintaining the proposed design.

Response to condition 7 –

The applicant submitted a correction response letter dated April 4, 2024 with an updated plan set. The correction response notes updated sheets A1.1, A2.0, and A2.5 in the consolidated plan set provide additional identification of convex mirrors and flashing signal light above the garage entrance.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle design review guidelines. The Director is satisfied that all 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 condition at the end of this decision.

CONDITIONS – DESIGN REVIEW

Prior to issuance of a Master Use Permit

1. The plan set shall be updated to incorporate a permanent bench or other type of permanent seating into the commercial recess at the northeast corner of the building. (PL1-B-3, DC3-C-2)

For the Life of the Project

2. 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.

Sean Conrad, Sr. Land Use Planner
Seattle Department of Construction and Inspections

Date: May 30, 2024

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