



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

Project Number: 3035906-LU
Applicant Name: Scot Carr
Address of Proposal: 4529 Sand Point Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story, 70-unit apartment building with medical services and retail. Parking for 40 vehicles proposed. Early Design Guidance conducted under 3035994-EG.

The following approvals are required:

I. Design Review with Departures (Seattle Municipal Code 23.41)*

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

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

SEPA DETERMINATION

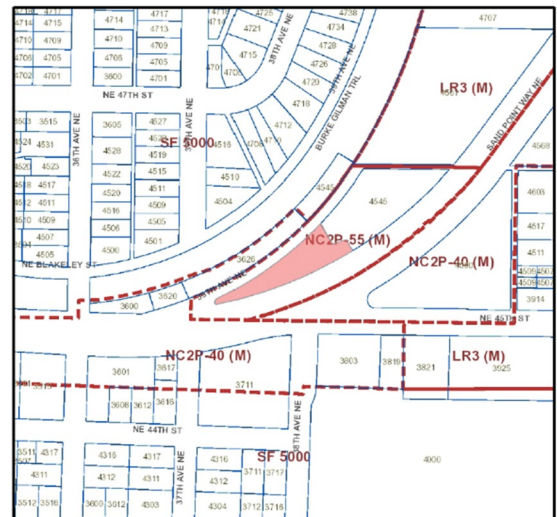
Determination of Non-significance

- ☐ 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

BACKGROUND

The site was granted relief from prohibition on steep slope development by the SDCI Geotechnical Engineer on April 22, 2020, under record number 6778962-EX:

SMC 25.09. We require an Environmentally Critical Areas (ECAs) review for this project. Further, we require a geotechnical report and topographic survey as part of building permit application. The project is described as construction of a five-story, mixed-use building with approximately 10,000 square feet of commercial space at street level and 50 apartment units with onsite below-grade parking. Based on a review of the submitted information as well as the City GIS system, we conclude that steep slope areas at and adjacent to the site appear to be isolated but a geotechnical report was not provided as part of the



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 SDCI's files will control.

application and as such, do not qualify for criteria established in the Critical Areas Regulations (CARs), SMC 25.09.090.B2c. However, the steep slope areas appear to qualify for the criteria established in the CARs, SMC 25.09.090.B2b. Specifically, the City GIS system and the submitted information for this ECA relief application demonstrated that steep slope areas appear to have been created by previous legal grading activities associated with street improvement and site development. Consequently, we waive the ECA Steep Slope Development Standards in SMC 25.09.090.B.1 for the project associated with the subsequent building permit application. For this reason, we will not require an ECA Steep Slope Area Variance for this project. We condition our approval upon a building permit application for a design that demonstrates that the proposed project will be completely stabilized in accordance with the geotechnical engineer's recommendations and provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this project.

A Right-of-Way Exception Request (6781134-EX) was approved on June 12, 2020, to allow for alternate roadway and sidewalk construction standards along 39th Avenue NE, to the north of the site. The approval letter is copied below:

- 1. The presence of an on-site exceptional tree directly adjacent to the existing 39th Ave NE right-of-way has no bearing on the required street improvements for this proposal since there are no restrictions on tree removal when right of way improvements are needed per SMC 25.11 and SMC 23.53.015.*
- 2. Along the entire property line abutting 39th Ave NE, a 6-foot sidewalk and 0.5' curb shall be installed.*
- 3. A new curb ramp shall be installed at the intersection of 39th Ave NE and Sand Point Way NE.*
- 4. An partial exception to the 25-foot paved surface required has been granted. In lieu of 25-feet, this proposal shall be required to provide a 20-foot paved roadway within the entire length of 39th Ave NE right-of-way abutting this property.*
- 5. SDCI will grant a conditioned waiver for any dedications along 39th Ave NE with the following caveats:*
 - a. If the existing 39th Ave NE right-of-way cannot support a 20-foot wide paved surface, 6-foot sidewalk and 0.5 curb, then a variable dedication sufficient to bring 39th Ave NE into compliance to meet these construction standards shall be required.*
 - b. A dedication shall be required at the intersection of 39th Ave NE and Sandpoint Way NE so that the existing paved roadway and the future 6-foot sidewalk and associated curb are within public right-of-way.*
- 6. Any and all street tree requirements along the existing or new right-of-way associated with 39th Ave NE is waived.*
- 7. Drainage infrastructure shall be installed within the 39th Ave NE right-of-way abutting this site.*

ADDITIONAL RIGHT-OF-WAY INFORMATION NOT DIRECTED ASSOCIATED WITH THIS REQUEST:

- A. Staging for trash, recycling and compost pick-up will not be allowed within the existing or future 39th Ave NE right-of-way.*
- B. The existing sidewalk along Sandpoint Way NE shall be improved to meet current sidewalk width standards, if needed.*
- C. The size and number of curbcuts along Sandpoint Way NE will be reviewed and approved as part of the Master Use Permit (MUP) review and was not evaluated as part of this request.*

- D. Any above ground utilities or trash/recycling staging areas along the southern portion of 39th Ave NE abutting this site shall be either removed or placed underground during the Street Improvement Plan (SIP) review process.*
- E. It is recognized by SDCI and SDOT that the above street improvement requirements will terminate at an existing parking lot associated with 4545 Sandpoint Way NE. The location of this parking lot within right-of-way does not appear to have been legally established and may be subject to SDOT enforcement action as part of the required SIP for this proposal.*

A subsequent Right-of-Way Exception Request (6804782-EX) was approved on November 30, 2020, to allow for alternate roadway and sidewalk construction standards along 39th Avenue NE, to the north of the site to protect the existing on-site exceptional Madrona tree. The conditions and findings set forth in the June 12, 2020, 39th Ave NE R.O.W Exception Request findings (6781134-EX) still apply other than what is modified below.

- 1. Trash and recycling staging within the 39th Ave NE right-of-way is dependent on approval from both SDOT and SPU. Based on the plans provided and internal discussions, this type of staging will likely not be allowed and all trash and recycling storage and staging will have to be provided on-site.*
- 2. A pedestrian pathway shall be required along the entire frontage of the parcel abutting 39th Ave NE. For that area abutting the exceptional tree, a 5' minimum walkway inside a 6" curb that is provided by flexible porous pavement will be allowed. Review and approval of this improvement will be handled through the SIP.*
- 3. A reduced roadway width of 16-feet in that area directly north of the exceptional tree and within the 39th Ave NE right-of-way is acceptable, as long as, the pedestrian pathway required in item #2 is provided.*
- 4. If you wish to not provide the pedestrian pathway in that area directly north of the exceptional tree, then the paved portion of the roadway shall be 20-feet and a standard sidewalk shall be provided.*

Staff note: Following approval of the aforementioned right-of-way exception requests, the proposed site plan and right-of-way improvements were revised – in coordination with SDOT through the SIP process – to no longer include a sidewalk along the portion of the north property line within the vicinity of the tree protection area as shown in the MUP plan set on file (dated September 2, 2022).

SITE AND VICINITY

Site Zone: Neighborhood Commercial 2 [NC2P-55 (M)]

Zoning Pattern: North: NC2P-40 (M) & Neighborhood Residential 3 (NR3)
South: NC2P-40 (M)
East: NC2P-55 (M) & NC2P-40 (M)
West: NC2P-40 (M)

Parcels immediately surrounding the site along Sand Point Way NE are zoned Neighborhood Commercial 2 with a pedestrian designation (P). To the north and west of the immediate surroundings, zoning designations generally shift to Lowrise zoning. An exception to this is the

University Village Shopping Center located approximately a quarter mile to the west of the site (Commercial 1 and 2 zoning). Zoning shifts to Neighborhood Residential to the north and south of the NE 45th Street/Sand Point Way NE Corridor. The Seattle Children's Hospital located one block to the east of the site is a significantly-sized area of Major Institution Overlay zoning that exists within the general zoning pattern.

Environmentally Critical Areas: Two mapped steep slope areas are located on the north property line.

Current and Surrounding Development; Neighborhood Character; Access:

The subject site is a three-sided parcel bounded by Sand Point Way NE to the south, 39th Avenue NE to the northwest, and an interior property line to the east. The site is currently developed with a parking lot and slopes downward northwest to southeast approximately twelve feet, with a majority of the slope occurring along the 39th Avenue NE property line. An Exceptional tree, a Madrone, is located at the northeast corner of the site.

The subject site is located on the north side of Sand Point Way NE, at the northeast corner of its intersection with 39th Avenue NE in the Laurelhurst neighborhood. Immediately surrounding land uses are primarily commercial and multi-family residential. The east-west corridor of NE 45th Street and Sand Point Way NE is the focus of this type of development. Neighborhoods to the north and south of this corridor are generally single-family residential in character. Areas to the east and west of the site are dominated by the campus uses of the University of Washington athletic fields and recreation areas to the west and Seattle Children's Hospital to the east.

The subject site is located near the eastern edge of a pedestrian zone that extends for several blocks along NE 45th Street and Sand Point Way NE. The intent of the pedestrian zone is to preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored. Adjacent to the site are an 8-story mid-century modern condominium building to the east (Laurelhurst Condominiums), a two-story office building to the west across 39th Ave. NE, a small parking area and the Burke-Gilman Trail to the north across 39th Ave. NE, and a 1-2 story retail and restaurant building to the south across Sand Point Way NE. A neighborhood of single-family dwellings is located to the north beyond the Burke-Gilman Trail with the closest dwelling to the site being approximately 155 feet to the north.

Vehicular access is currently available through two curb cuts along Sand Point Way NE. Pedestrian access to the site is available from an existing sidewalk along the Sand Point Way NE frontage. Additionally, a stairway within the site links the parking lot to the 39th Ave. NE right-of-way. 39th Ave. NE is not improved with sidewalks.

PUBLIC COMMENT

The public comment period ended on February 22, 2021. 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 pedestrian and traffic safety, transportation, access to light and air, views, tree preservation, plants and animals, air quality, slope stability, construction impacts, aesthetics, height bulk and scale, public utilities, emergency services, and density. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

I. ANALYSIS – DESIGN REVIEW

The design packets include materials that are available online by entering the record number at this website:

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

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

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

Email: PRC@seattle.gov

ADMINISTRATIVE* EARLY DESIGN GUIDANCE November 12, 2020
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*On April 27, 2020, the Seattle City Council passed emergency legislation [Council Bill 119769](#) which allows projects subject to full design review to opt into Administrative Design Review temporarily. As one of the projects impacted by Design Review Board meeting cancellations, this project elected to make this change. It was reviewed by staff through Administrative Design Review for Early Design Guidance (3035994-EG).

PUBLIC COMMENT

SDCI staff received the following design related comments:

- Concerned about the easement with neighboring Laurelhurst Condominiums.
- Concerned that the close proximity of the proposed building will block light, air, and views from the adjacent property.
- Supported the proposed project.
- Identified parking, proposed commercial uses, tree retention, and design aesthetic as important elements.
- Supported a design that retains trees, provides a courtyard, is lower than the Children's Hospital building across the street, and blends in with the rest of the neighborhood.
- Supported the proposed uses.
- Suggests a design option with only five stories.
- Opposed to the proposed project.
- Opposed to exceeding the 55-foot building height limit.
- Concerned about pedestrian safety and loitering (PL4.A1, PL2, DC1.B1).
- Concerned about the proposed garage entry on Sand Point Way NE is dangerous related to surrounding traffic movements.
- Supported the preferred option with the curb cut, outdoor areas, and ground-level commercial space.
- Supported the proposed height.
- Opposed to exemptions from zoning, safety, traffic regulations, and garage opening size (CS2.D1, CS2.D2, CS2.D3, CS2.D4, CS2.D5).
- Concerned with how the proposed project relates to adjacent sites, to unusual aspects of the site itself, and to the streetscape.

- Concerned that public comments from the Early Community Outreach meeting were not addressed.
- Opposed to the proposed setbacks that do not fit with the street character or respond to the surroundings (CS2.D1, CS2.D3, CS2.D5, PL3).
- Questioned whether the proposed development would meet LEED certification.
- Questioned the trash and recycle staging location.
- Requested a plan to mitigate noise impacts from the rooftop terrace.
- Concerned about pedestrian safety related to driveway access on Sand Point Way NE.
- Supported the new development as an improvement to the appearance and function of the surrounding neighborhood.
- Concerned about the lack of green space
- Concerned about the impact of exterior lights on surrounding residents.
- Encouraged a stairway connection on the east side of the site to connect the 39th Ave. NE frontage to the existing crosswalk on Sand Point Way NE.
- Encouraged the planting of new trees along the north and west sides of the site.

SDCI received non-design related comments concerning traffic, parking, public comment period, construction impacts, public outreach, property value, unit size, and stormwater collection, infrastructure impacts.

The Seattle Department of Transportation offered the following comments:

- Supports code compliant vehicle and solid waste collection access from 39th Ave. NE.
- Does not support departure for vehicle access from Sand Point Way NE.
- Identifies ROW Improvement Exception from SDCI (6781134-EX) to reduce pavement width within the 39th Ave. NE ROW and prohibition of solid waste staging within the ROW.
- Identifies SDOT requirements related to ADA ramps, preservation of street trees, and sidewalk widths.

One purpose of the design review process is for the 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 3035994-EG: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, Staff provides the following siting and design guidance.

ADMINISTRATIVE EARLY DESIGN GUIDANCE

1. Massing Options and Design Concept:

- a. Staff supports Design Alternative 4.2 due to its intent to both preserve the Exceptional tree near the northeast corner of the site and place its driveway access to parking location along 39th Ave. NE away from the Sand Point Way NE frontage and the corner of the Sand Point Way NE and 39th Ave. NE intersection (CS1-D-1. On-site Features, CS3-A-4. Evolving Neighborhoods, DC1-B-1. Access Location and Design).

- b. The other design alternatives would result in either the removal of the Exceptional tree (Alternative 1), the placement of the driveway location near the street intersection (Alternative 2) or placement of the driveway location along the primary pedestrian street frontage of Sand Point Way NE (Alternative 3) which is not supported by SDOT or by public comments received concerned with safety. Support for Alternative 4.2 allows for placement of the driveway location near the northeast corner of the site allows for the placement of an outdoor pedestrian space near the street intersection and continuous pedestrian-oriented frontage along the primary commercial street of Sand Point Way NE, both of which are desirable conditions (CS1-D-1. On-site Features, CS3-A-4. Evolving Neighborhoods, DC1-B-1. Access Location and Design).
- c. Staff acknowledges the public comments expressing concerns with the proposed building height related to preserving an Exceptional tree. However, Staff finds that the preservation of the tree along the site edge, as well as the unusual site shape and resulting massing form with recessed decks, along with the presence of street rights-of-way that border two of the three site sides serve to accommodate the proposed building height in a reasonable manner (CS1-D-1. On-Site Features, CS2-A-2. Architectural Presence, DC2-A. Massing).

2. Street Frontages and Courtyards

- a. Maintain the intent for an outdoor gathering/seating area at the corner of Sand Point Way NE and 39th Ave. NE as a space to enhance the ability of the commercial spaces facing Sand Point Way NE to activate the street frontage (CS2-B-1. Site Characteristics, CS2-B-1. Maintain Site Characteristics, CS2-B-2. Connection to the Street, CS2-C-1. Corner Sites, PL1-A-2. Adding to Public Life, DC1-A-2. Gathering Spaces).
- b. Maintain the grouping of lobby and bicycle storage rooms along the 39th Ave. NE frontage to promote street activation and create visual presence along the 39th Ave. NE and the Burke-Gilman Trail. Ensure that this grouping is visually expressed along the street frontage through a contrast in exterior materials and extensive fenestration compared to the service and driveway areas along the same frontage. Consider blending these spaces to allow the residential lobby to encourage pedestrian activity to the bicycle storage space (CS2-B-2. Connection to the Street, PL1-A-2. Adding to Public Life, PL1-B-3. Pedestrian Amenities, DC2-E-1. Legibility and Flexibility).

3. Tree Preservation

- a. Echoing public comment, Staff agrees with the applicant's intent to preserve the existing Exceptional tree in the northeast corner of the site. Preservation of this tree will result in better meeting the applicable design guidelines to promote the incorporation of existing site features and natural elements along the 39th Ave. NE frontage facing the popular Burke-Gilman Trail into the site planning (CS1-D-1. On-site Features, CS2-A-1. Sense of Place).
- b. The Arborist Report submitted with the application indicates that the Madrone tree can be preserved with development of the site, but also describes its likely sensitivity to disturbance, particularly to construction activity within the 39th Ave. NE right-of-way. Due to its sensitivity to disturbance and its presence on a sloped portion of the site that will be adjacent to both building and street construction, Staff recommends submission of an Arborist Report prepared by a Registered Consulting Arborist with the Master Use Permit and Recommendation packet with a recommendation on the tree viability with development (CS1-D-1. On-site Features).

4. Building Design

- a. Massing indentations for balconies along south façade facing Sand Point Way NE provide relief to a relatively long façade. Ensure that similar massing elements or secondary architectural features are carried through to the north façade facing 39th Ave. NE to ensure the architectural expression of the building as a whole (DC2-A-2. Reducing Perceived Mass, DC2-B-1, Façade Composition, DC2-C-1. Visual Depth and Interest).
- b. Maintain the second story massing projection facing Sand Point Way NE. This secondary massing projection strengthens the relationship of the base height to the pedestrian-scale of the street frontage (D2-A-2. Reducing Perceived Mass, DC2-D-1. Human Scale).

RECOMMENDATION January 10, 2022
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PUBLIC COMMENT

The following public comments were offered at this meeting:

- Concerned that the proposed design is too close to the balconies of the adjacent Laurelhurst Condominium building.
- Concerned that the exceptional tree in the northeast corner of the site will not survive the proposed site construction.
- Opposed the proposed departures.
- Supported the building proportions, which make the building appear light.
- Supported the building materials, which fit into regional character.
- Appreciated thoughtful design of driveway entrance on Sand Point Way NE to avoid conflicts with other driveways and bicycle parking.
- Preferred the proposed driveway access onto 39th Avenue NE.
- Concerned about the driveway width departure request to allow a driveway width of 18 feet.
- Stated that the building height departure should not be approved because the preservation of a single tree does not outweigh the impact of additional building height on surrounding development.
- Supported the project design as appropriately scaled with appropriately sized units and well-designed bicycle amenity space.
- Supported the proposed building height as appropriate within surrounding context.
- Supported the location of the driveway entrance as a safe option and because a driveway entrance along 39th Avenue NE seems infeasible within the design.
- Supported the minimization of the number of driveways to one location.
- Supported the activation of the 39th Avenue NE and the Burke Gilman Trail through the north façade design.
- Supported preservation of the exceptional tree for its aesthetic value and its ability to provide privacy to adjacent residential units.
- Supported driveway location departure to allow for an engaging ground-level design along Sand Point Way NE.
- Supported the thoughtful design and detail in the building design.
- Supported the placement of the bicycle amenity space adjacent to the Burke-Gilman Trail.
- Supported the design of the rooftop spaces.

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

- Concerned about the potential impacts to pedestrian safety that could be caused by approval of the departure for driveway location on Sand Point Way NE.

- Preferred a driveway entrance along 39th Avenue NE to reduce vehicle/pedestrian conflicts compared to a driveway access on Sand Point Way NE.
- Stated that design guidelines CS2-B-2 and DC1-B-1a discourage a driveway access along Sand Point Way NE.
- Stated that the project design does not meet design guidelines CS2-B-2 and PL4-A-1 because the proposed driveway connection will reduce the quality of interaction between the site and the public realm.
- Concerned that the proposed driveway width departure will result in an insufficiently wide driveway to provide safe and convenient access for vehicles according to design guideline PL4.A.1.
- Proposed the consideration of an auto elevator entry from 39th Ave NE, avoiding the need for a long ramp.
- Stated that the project design does not meet design guidelines DC1 and DC2 due to traffic issues that will be created by a driveway connection to Sand Point Way NE.
- Stated that the departure request for driveway width does not meet design guidelines PL4-A-1, PL1-B, and PL2 because the narrower driveway width would increase potential for vehicle/pedestrian conflicts.
- Preferred a building massing with shorter height adjacent to the existing building to the east.
- Concerned about additional height proposed through the departures and the relationship of additional height to surrounding buildings.
- Concerned about proximity of the building to the Laurelhurst Condominiums, the adjacent building to the east of the site.
- Concerned about obstruction of views from the adjacent building to the east and cited the following design guidelines to limit the blockage of existing views: CS2-B-1, CS2-D-1, CS2-D-2, CS3-A-1, DC2-A-1, DC2-B-2, DC2-C-3.
- Concerned that the proposed height and street setbacks will not fit in with those of surrounding buildings.
- Concerned about shadows on Burke-Gilman Trail from the proposed development.
- Concerned about the loss of a community gathering space currently on-site.

The following comments were provided by the Seattle Department of Transportation (SDOT):

- SDOT supports vehicle access to the site from 39th Avenue NE.
- SDOT does not support a departure for vehicle access from Sand Point Way NE.
- Solid waste staging required along 39th Avenue NE, but staging is not likely to be permitted within the right-of-way.
- SDOT supports retention of exceptional trees, although tree retention is not required if they conflict with right-of-way improvements.
- Right-of-way improvements currently include a reduced 16-foot-wide roadway directly to the north of the exceptional tree within the 39th Avenue NE right-of-way and a 5-foot minimum walkway width.

SDCI received non-design related comments concerning traffic movements, traffic safety, unit sizes, and views.

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 3035906-LU: <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 recommendations.

1. Massing and Response to Context:

- a. The Board commended the applicant on the amount of study included in the packet and the response to early design guidance and recommended approval of the overall massing response to the various design constraints present on the site, including the site slope, the existing power lines along the Sand Point Way NE frontage, and the exceptional tree (CS1-C. Topography, CS1-D. Plants and Habitat, CS2-B-1. Site Characteristics, DC2-A-1. Site Characteristics and Uses).
- b. The Board recommended approval of the street activation elements along the street frontages on all sides of the site, including the outdoor patio space at the street corner and the residential amenity spaces proposed at the ground level along 39th Avenue NE (CS2-B-2. Connection to the Street, PL1-B-3. Pedestrian Amenities, PL1-C. Outdoor Uses and Activities, PL3-C. Retail Edges, PL4-B. Planning Ahead for Bicyclists).
- c. The Board recommended approval of the clean, straightforward massing design and the strong relationship of the simple materials palette to the massing design (DC2-A-1. Site Characteristics and Uses, DC2-B-1. Façade Composition, DC4-A-2. Climate Appropriateness).
- d. The Board recommended approval of the project design and its relationship to the exceptional tree near the northeast corner of the site. The Board recognized the exceptional tree as an important aspect of the overall design and encouraged the provision of sufficient space and light to allow the tree to thrive as a long-term project asset in the long-term. The Board did not recommend a condition addressing other existing trees on-site (CS1-D-1. On-Site Features, CS2-B. Adjacent Sites, Streets, and Open Spaces, DC2-A. Massing, DC3 Open Space Concept).

2. Exterior Materials:

- a. The Board recommended approval of the proposed exterior materials and commended their durability and timeless color palette (DC2-B-1. Façade Composition, DC4-A-1. Exterior Finish Materials).
- b. The Board noted the lack of an identified soffit material in the Recommendation packet and encouraged the use of a material that would provide the soffit intent shown in the packet for a smooth white soffit. The Board declined to recommend a condition related to soffit material (DC2-B-1. Façade Composition, DC4-A-1. Exterior Finish Materials).

DEVELOPMENT STANDARD DEPARTURES

SDCI's preliminary recommendation on the requested departure(s) were based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of the RECOMMENDATION review, the following departures were requested:

1. **Additional Building Height for Exceptional Tree Preservation (SMC**

23.41.012.B.11.f): The Code allows for up to 10 additional feet of structure height if the applicant demonstrates that the departure is needed to protect an Exceptional tree on-site and that avoiding development within the tree protection area will reduce the total development capacity of the site. The applicant proposes the full departure height of 10 feet to save an existing Exceptional tree in the northeast corner of the site.

The Board recommended approval of this departure based on the applicant's rationale, agreeing that preservation of the exceptional tree is an asset to the site development and that its preservation would result in a loss of development capacity for the site. The additional height allowed through the departure will allow an additional residential story in exchange for the loss of development capacity that results from preserving the tree. The Board recommended that the design with departure better meets the intent of Design Guidelines CS1-D-1. On-Site Features CS2-B. Adjacent Sites, Streets, and Open Spaces, DC2-A. Massing, DC3 Open Space Concept.

2. **Additional Floor-Area-Ratio for Exceptional Tree Preservation (SMC**

23.41.012.B.10.b): The Code allows for up to an additional 0.5 FAR if the applicant demonstrates that the departure is needed to protect an Exceptional tree on-site and that avoiding development within the tree protection area will reduce the total development capacity of the site. The applicant proposes a departure to retain the Exceptional Tree and add 0.5 FAR to the building.

The Board recommended approval of this departure based on the applicant's rationale that the additional FAR will allow a full additional story in exchange for the loss of development capacity that results from preserving the tree. A full additional floor will allow for the continuation of the simple massing design recommended for approval by the Board. The Board recommended that the design with departure better meets the intent of Design Guidelines CS1-D-1. On-Site Features CS2-B. Adjacent Sites, Streets, and Open Spaces, CS3-A-2. Contemporary Design, DC2-A. Massing.

3. **Parking Access (23.47A.032.A.1.c).** Because the site abuts two streets and access is not provided from an alley, driveway access is permitted across a side street lot line, but not a front lot line. The applicant requests a departure to allow for a driveway access along Sand Point Way NE, which would require crossing a front lot line.

The Board acknowledged public comment concerned with the proposed driveway location and related departures. However, the Board recommended approval of the departure based on the applicant's rationale that the placement of the vehicular driveway along Sand Point Way NE aids in the preservation of the Exceptional tree and best promotes activation of street frontages through commercial and residential amenity spaces at the street edges. Related to this recommendation, two Board members stated their preference for a right-in, right-out driveway design to complement the departure, but the Board declined to recommend a condition for this change. The Board recommended that the design with departure better meets the intent of Design Guidelines CS3-A-4. Evolving Neighborhoods, PL1-B. Walkways and Connections, PL1-C. Outdoor Uses and Activities, DC1-B-1. Access Location and Design.

4. **Driveway Width (23.54.030.D.1.c).** The Code requires a minimum driveway width of 20 feet for any driveway that serves more than 30 parking spaces. The applicant proposes a driveway width of 18 feet for a departure of 2 feet.

The Board recommended approval of this departure based on the applicant's rationale that the departure will strengthen the walkability of street frontage by slowing traffic entering and exiting the site and diminishing the presence of the garage entrance along the streetscape and within the building composition. Related to this recommendation, one Board member stated a preference for a right-in, right-out driveway design to complement the departure, but the Board declined to recommend a condition for this change. The Board recommended that the design with the departure better meets the intent of Design Guidelines PL2 Walkability, CS2-B. Adjacent Sites, Streets, and Open Spaces, DC1. Project Uses and Activities, DC2-B-1. Façade Composition.

5. **Curb Cut Width (23.54.030.F.2.b.2).** The Code requires a minimum curb cut width of 22 feet for two-way driveways serving nonresidential uses. The applicant proposes a curb cut width of 18 feet.

The Board recommended approval of this departure based on the applicant's rationale that the reduced curb cut width will reduce the vehicle presence along the street frontage and strengthen the visual continuity of the sidewalk. The Board recommended that the design with departure better meets the intent of Design Guidelines PL1-B. Walkways and Connections, PL4-A-1. Serving all Modes of Travel DC1-B-1. Access Location and Design.

DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by Staff 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.

CS1-E Water

CS1-E-1. Natural Water Features: If the site includes any natural water features, consider ways to incorporate them into project design, where feasible

CS1-E-2. Adding Interest with Project Drainage: Use project drainage systems as opportunities to add interest to the site through water-related design elements.

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.

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-CDesign

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-AExterior 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-BSignage

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-CLighting

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-DTrees, 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-EProject 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.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated Monday, December 06, 2021, and the materials shown and verbally described by the applicant at the Monday, January 10, 2022, Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with no conditions.

ANALYSIS & DECISION – DESIGN REVIEW

DIRECTOR’S ANALYSIS

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describing the content of the SDCI Director’s decision reads in part as follows:

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

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

Subject to the 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 January 10, 2022, the Board recommended approval of the project as described in the summary of the Recommendation meeting above.

Four members of the Northeast 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 results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

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 SDCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the recommendation 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.

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 signed and dated 12/3/2020. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or 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 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 emissions, construction traffic impacts, earth, 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - 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.

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 Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

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.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

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: [Construction Use in the Right of Way](#). 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.

Earth

The ECA Ordinance and Director's Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Report Proposed Mixed-Use Development, 4529 Sand Point Way Northeast, Seattle, WA 98105; by PanGEO Inc. dated April 2020). The study has been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing

Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: greenhouse gas emissions; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions, height bulk and scale, plants and animals, public views, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

The proposal completed 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. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Plants and Animals

Mature vegetation is located on the site, including several trees and one exceptional tree. The location of this tree is shown within the Recommendation packet and described in the Design Review section of this MUP decision. The applicant submitted arborist reports for the site ["Project: 4529 Sandpoint Way NE Seattle, WA", ArboristsNW, LLC, dated April 15, 2020; "Project: 4529 Sandpoint Way NE Seattle, WA. Addendum to previous report", ArboristsNW, LLC, dated August 11, 2020; Arborist Report – Construction Impacts to Exceptional Madrone Tree, Tree Solutions, Inc. dated June 29, 2021; Memorandum – Tree Retention Recommendations, Tree Solutions, Inc., August 26, 2022] and identified the exceptional tree (30" DSH Madrone Tree) on the MUP plan set. SDCI's Arborist has reviewed the information.

The proposal includes retention of the Exceptional Tree. In order to mitigate impacts to the Exceptional Tree under SMC 25.05.675.N, a condition for a tree preservation plan is warranted. The recommendations and tree preservation plan shown in the arborist report (*Memorandum – Tree Retention Recommendations, Tree Solutions, Inc., August 26, 2022*) will be required on any demolition, excavation, shoring, and construction permit plans.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. Sand Point Way NE is a SEPA Scenic Route. The applicant provided a View Corridor Plan Diagram in its Response to Land Use Correction #1, dated July 1, 2021, showing the proposed development in relation to the designated public views in SMC 25.05.675.P. This diagram shows that the proposed development is unlikely to impact public views of the significant natural and human-made features listed in SEPA policy related to public view protection. The proposed development is located to the north of Sand Point Way NE and therefore does not have the potential to block views of the Cascade Mountains, Lake Washington, Mount Rainier, the downtown Seattle skyline, and the Lake Washington Ship Canal from the scenic corridor. There are no existing views of the Olympic Mountains due to topography and existing development.

The proposed development does not block views of any nearby historic landmarks.

Additional mitigation is not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis and subsequent revised transportation information submitted by the applicant [*Heffron Transportation, Inc., Technical Memorandum – Transportation Impact Analysis, December 2, 2020; Heffron Transportation, Inc., Memorandum - Response to SDCI Transportation Comments (04/05/2021), July 8, 2021; Heffron Transportation, Inc., Memorandum - Response to SDCI Transportation Comments (08/27/2021), October 6, 2021*] indicated that the project is expected to generate a net total of 510 daily vehicle trips, with 43 net new PM peak hour trips and 37 AM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including 36th Avenue NE, 37th Avenue NE, 40th Avenue NE, NE 45th Street, and Sand Point Way NE and generally would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Left turns into the site from Sand Point Way NE currently are prohibited by roadway striping, but illegal left-turns could still occur. Such turning movements could lead to queuing onto Sand Point Way NE through lanes. To avoid this potential safety impact, the project will be conditioned to install a traffic barrier preventing left-turns into the site from Sand Point Way NE. The type and design of the intervention shall be as determined and approved by SDOT and WSDOT. The SDCI Transportation Planner reviewed the information and determined that no further 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.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Grading, 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: [Construction Use in the Right of Way](#).
3. The plans shall show the tree preservation plan and comply with the recommendations consistent with the arborist report (*Memorandum – Tree Retention Recommendations, Tree Solutions, Inc., August 26, 2022*) on file with SDCI.

Prior to Final Inspection

4. Prior to approval of a Certificate of Occupancy, install a traffic barrier intervention within the Sand Point Way NE right-of-way preventing left-turns into the site from Sand Point Way NE. The type and design of the intervention shall be as determined and approved by SDOT and WSDOT.

Greg Johnson, Land Use Planner
Seattle Department of Construction and Inspections

Date: February 21, 2023