



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D.M. Sugimura, Director

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

**Application Number:** 3004668  
**Applicant Name:** Matt Driscoll, Driscoll Architects for  
Bob Burkheimer and Donnie Belk, Essex Broadway LLC  
**Address of Proposal:** 523 Broadway

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a six story, 295 unit apartment building with 30,000 sq. ft. of retail use at the ground floor. Parking for 357 vehicles to be provided at and below grade within the structure. Review includes 45,000 sq. ft. demolition of existing multi-family and retail structures.\*

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:**

1. Access – To allow a second access to parking (SMC 23.47A.032.A).
2. Residential Uses at Ground Level – To reduce the distance of the ground level units from the sidewalk along Harvard Avenue (SMC 23.47A.008.D).

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

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

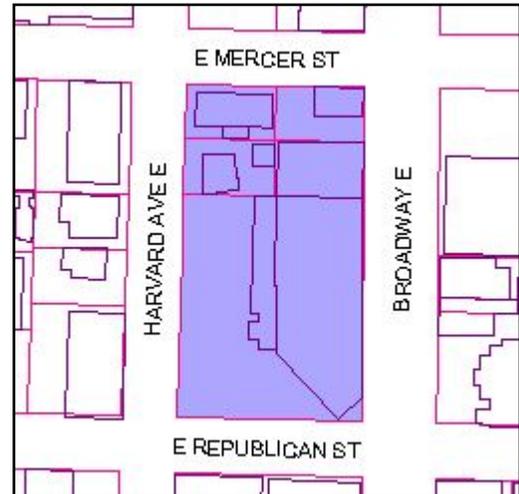
\*The original project description was for a 290-unit apartment building with 35,000 sq. ft. of retail at ground floor and parking for 400 vehicles.

\*\*Notice of early DNS was published March 22, 2007.

## **BACKGROUND DATA**

### Site & Vicinity

The 69,425 sf site is a full block and contains six structures including a vacant retail space with related surface parking/loading areas, one fast food restaurant, a drug store, an apartment building, a single family residence and a detached, accessory garage structure with residential unit above. The eastern half of the site is zoned NC3-40 and can be increased to 65 feet provided that portions of the structure above 40 feet contain only residential uses. The western half of the site is zoned NC3/R-40, also with a 25 foot height bonus for residential uses. The site lies within a Pedestrian (P1) zone as well as the Capitol Hill Urban Village Commercial Zone Overlay and a Light Rail Station Overlay.



The site is defined by Broadway to the east, East Mercer to the north, Harvard Avenue East to the west and East Republican Street to the south. To the north, south and east, the Neighborhood Commercial zone continues. To the west, the zone changes to Mid-rise with a 60-foot height limit. Adjacent uses consist of low-scaled commercial retail uses along Broadway and multifamily residential buildings to the west. Broadway Market is across East Republican Street to the south and the Capitol Hill branch library is caddy corner to the southwest.

The uses along Broadway are predominantly retail. The buildings are single level with facades coming directly to the property line with little or no modulation. Broadway is pedestrian oriented with few gaps for ground level parking and few open spaces. Most facades come within 10' of the property line and step back from there with little modulation. The site is well served by transit.

### Proposal

The proposal includes demolition of the existing buildings and the construction of a new structure that would include approximately 295 residential units, 30,000 square feet of ground level retail and below grade parking for approximately 357 vehicles. Access to the site is proposed from both Republican and Mercer streets.

### Public Comments

Approximately 26 members of the public attended the Early Design Guidance meeting held on June 21, 2007. Three additional letters were received requesting to become a Party of Record.

The following comments were offered:

- Excited about the retail concept and less excited about the residential concept.
- The configuration of the courtyard should take advantage of the solar exposure and serve residents.
- Would like to see one central access point with a well-landscaped courtyard.
- Concern that building will turn its back on to Harvard; this façade needs as much design treatment as the other facades.
- Encourage varied rooflines and variation along the long facades to break up the massing.
- Agree that is a critical location that deserves a spectacular building.
- Emphasize that retail spaces should be sized to offer maximum flexibility.
- Building design really needs to focus on breaking down the scale and not appear as if it were all developed at one time.
- Variation at both the street level, as well as on the upper floors, is critical and should appear as a series of buildings.
- Support widening the sidewalk on Broadway and provide opportunities for outdoor seating.
- Feels that the horizontal design element should dominate the street front.
- Encourage recessed windows.
- Discourage using the University Village concept as a model.
- Attention to the design treatment of the storefronts is essential.
- Disagree that horizontal lines should be dominant; instead the proportions and use of materials should emphasize the vertical lines thus helping to break down the building massing. Both the residential and commercial layers should be grounded.
- Avoid multiple minor ins and outs of the modulation, and instead include significant (deeper) modulation and articulation.
- Encourage green design features in exchange for departure requests.
- No less than ten storefronts should be included along Broadway, in keeping with the successful rhythm established on the block across the street and to the south (with the Starbucks at the corner).
- Concern that a private courtyard area will not be well utilized.
- The residential entrance on Broadway should be de-emphasized.
- Encourage use of warm colors and brick.
- Would like to see affordable housing uses on this site.
- Interested in what type of housing is being targeted in the proposed development.
- Would like to see a mix of housing types and unit sizes provided.
- Encourage adding ceiling height to the units to make them more attractive. The fenestration should be tall and include operable windows.
- Using a high quality of building materials is critical.
- The retail level should encourage individualized storefront designs, but also should include elements of continuity.
- Interested in a PCC organic grocery store and/or medical/dental uses at this location.
- Concern that the loading dock area will be too noisy for the residential neighbors.
- Strongly object to vinyl siding.
- Use the library as a point of reference for design inspiration.
- Each corner of the building should be treated differently and respond to the context abutting each corner.

- Find the inclusion of proposed public parking to be a very nice community amenity.
- Mid-block access for the general public and business along the corridor should be explored.
- The design should strive to create a very inviting stretch along Broadway, be inviting to the public and avoid creating a canyon-like presence on Broadway.

Approximately 16 members of the public attended the Initial Recommendation meeting held on September 20, 2007. The following comments were offered:

- The retail concept is excellent and well thought out. The owner must be rigorous in the tenant selection process.
- It is unfortunate that the proposed access and service areas shown on the south elevation faces the Broadway Market and library since Republican Street really is a continuation of the commercial zone.
- The townhouse like units along Harvard Avenue is great.
- The gap between the two building facades along Broadway needs to be a strong public space. This gap is an opportunity.
- The design of the residential portion of the building is less exciting than the retail portion.
- The distribution of colors should be by building mass, not spread across the full street façade. Repeating the color scheme down the block accentuates the length of the development.
- The white vinyl windows should be a darker color. Glad to see that the windows are punched. Inclusion of sills would also be desired.
- Supports the split of the building into two masses. Also likes the pedestrian entry to the courtyard.
- The residential component of the project is so large and complex that a model would be very helpful in understanding the scale, design, materials and colors.
- Concerned that the proposed materials are cliché and don't suggest durability or permanence.
- Nice commercial design that shows emphasis on attracting a diversity of retail businesses.
- The slightly skewed west property line is not noticeable, but the inclusion of planters with diminishing dimensions and eventual elimination is very noticeable.
- While the retail design is commendable, the residential portion is too cookie cutter.
- Breaking the building into two main forms is good, but would like to see greater variation between the two buildings.
- Disappointed in the proposed materials. There should be more brick, masonry and transparency.
- The proposed truck access on Republican is right across from the delivery area for Broadway Market.
- Like how the retail uses wrap the entry courtyard.
- Support from the Broadway Business Improvement Area for the proposed parking scheme.  
*[Letter received 9/26/2007]*

Approximately nine members of the public attended the second Recommendation meeting held on November 7, 2007. The following comments were offered:

- Appreciate the townhouse units along Harvard and the two stories of brick. Also like the variety of windows along Broadway.
- Support the intent to accommodate small retailers along the Broadway side of the proposed development.

- Agree that Broadway retailers need a parking supply, located at grade, to be successful and draw customers.
- Pleased with the 3-D sketch up model that shows the complexity of materials and aesthetics of the proposed design.
- Clarify that the proposed stucco is part of a rain screen system.
- Clarify that the doors to the *juliette* balconies are sliding, not swinging in order to preserve space, however, the design of the doors are a traditional French door that appear as swinging doors.
- Like the proposed brick on Harvard.
- Specify that the details needs to be executed well or the building risks looking cheap. Specifically, the many joints, corners and panels are areas where the transitions will be the most challenging. The facades are too busy and need to be further restrained.
- Unhappy with the loss of street trees.
- The massive size of the building is a distressing scale that it is too much like a large box. The courtyard is a nice feature. The design has not responded to its context in any way and is too similar on all sides. The design does not take into account the shadow, light access to the site.
- It is apparent that a lot of effort has been made in the design; however, it is too trendy looking with multiple colors, textures and materials. The design lacks the sophistication of Capitol Hill. The ground floor around the entire building is well-designed; it is the upper levels that need to be considered.
- Clarify that the elevator accesses the courtyard.
- Agree that the retail level is very successful and the effort to differentiate the two masses along Broadway is vastly improved. The proposed materials should be more durable, such a brick and stone. Concerned that the long term appearance of the proposed materials will be unattractive.
- The material palette has not changed at all since the previous meeting.
- Does not like the quality of the proposed materials and finds them to be insulting to the character that is well-established in the nearby historic district.
- Support for at grade parking provisions that will enhance the economic vitality of Broadway.

Approximately 15 members of the public attended the third Recommendation meeting held on December 19, 2007. The following comments were offered:

- Oppressed by the size of proposed building. Would like a more creative, elegant development that takes advantage of solar exposure. The courtyard is likely to be a wind tunnel.
- This design presented to the Board is the best thus far and is appreciative of the efforts to integrate brick on the Broadway façade. The use of brick makes a hug difference and will be a pleasure to look at as a neighbor.
- Prefer a decorative metal rail, instead of the glass shown.
- Looks forward to shopping and retail opportunities in the neighborhood.
- Appreciates efforts, but the character of the project is difficult to read with the graphics presented. The hardiboard and stucco are questionable materials and the proposed colors are too drab. The quality of the finishes for the building will be critical.

- Likes the use of brick on Broadway. Concerned with staircase to nowhere – there should be a visual draw at the top of the stairs.
- The character of Broadway is not reflected in this building design. Needs more artistic detailing at the pedestrian level. The texture of the concrete base is important and should avoid being too smooth; it should instead look more roughed up and older to give more character and texture.
- Okay with the proposed scale and excited to have the large numbers of residents brought to the neighborhood. Would like to see the Harvard entrance/break between buildings given more attention and pizzazz, similar to the Broadway entrance. The Broadway tile strip should be continued. The cornice design should be more exciting.
- The Broadway façade has been a huge improvement. Concerned with the addition of 365 parking stalls to this location, especially with the transit overlay. Will add to traffic gridlock.
- The stucco and hardipanel materials don't speak of solidity and should instead be a more classic material that conveys substance, style and permanence.
- This development is an opportunity for a classic Capitol Hill building. The scale and parking provision are satisfactory. The curb cuts and departure request make sense for a building of this size, as long as the sidewalk along Harvard is widened. Does not like the glass railings on Broadway. Disappointed that the two buildings are not more different. More subtle colors would be an improvement. The storefronts should have recessed doorways.
- The brick is a nice improvement. Would like to see variation in retail storefronts, but use similar colors and materials for consistency. Likes changes to roofline.
- Adding 295 more rental units to this neighborhood is a great opportunity to add population and vibrancy to Broadway.
- The stairwell entry area on Broadway should be a clear focal point with art and/or water feature.

Approximately 20 members of the public attended the fourth Recommendation meeting held on February 20, 2008. The following comments were offered:

- The design is much improved, although the Board should insist that the proposed amenities, including the stamped concrete and seating at the entry points, are realized through recommended conditions. The planters along Harvard should be patios instead.
- Concerned that the QFC loading dock is across from the East Republican vehicular entrance. Clarification that the sidewalk width on Broadway has not been reduced.
- The design is greatly improved, but would like to make sure that the proposed metal material is not finished with a reflective high gloss.
- Concerned that the proposed replacement street trees are not consistent with the Capitol Hill design guidelines. The new trees should be Flame Ash to match those along Broadway. Also, an existing evergreen tree is located on the site that is not shown on the site plan. Concerned that the interior courtyard is too dark and will not get adequate solar exposure.
- Appreciative of the brick character introduced, but the brick should be further detailed and articulated.
- The design is much improved and the subdued color scheme is appropriate. Would like to see greater differentiation between the two buildings. Like the warehouse style windows at the corners. The elimination of the glass railing along Broadway is a positive improvement. The cornice in the recessed areas along the Broadway façade is jarring. The canopy design is greatly improved. The smooth concrete material appears too blank and should be textured or

stamped to give pattern to the finish. It is unfortunate that there is no line of sight through the block. Support the requested secondary curb cut.

- The quality materials and heavier cornice design is much improved from the previous design. The black colored vinyl windows are an excellent improvement. The corner box does not need to be over-modulated. Encourage subtle differences between the two residential boxes on Harvard. The true red brick color is very appropriate to this location.
- Clarify that the storefront windows will be transparent and not tinted.
- The neutral look of the building design is okay. The corner box should not be over-modulated as shown.
- The concrete portal on Broadway needs a center column continuing to the ground. The brick is too two-dimensional on Broadway; the joints should be at least 6-8" wide. The brick color is well-selected. The Broadway tile mosaic should be protected and/or replaced as needed.

The SEPA comment period for this proposal ended on April 4, 2007. Seventeen comment letters were received focusing on the following issues:

- Request to be listed as a Party of Record.
- Would like to see an organic foods market be located on this site.
- Hope that the residential units will be affordable.
- Construction hours should be limited to 9am – 5pm on weekdays.
- Would like to see the building massing divided into two separate structures.
- Concerned that exiting from the courtyard meets fire and life safety standards.
- Support from the Capitol Hill Stewardship Council for the at-grade, enclosed parking provisions and the addition of parking to the neighborhood.
- Support from the Broadway Business Improvement Area also for the proposed at grade, enclosed parking that will help shoppers feel safer,
- Request that permit processing be expedited.
- Opposed to the proposed at-grade parking, as well as the quantity of parking proposed. The development should be more consistent with the efforts to take cars off the streets and encourage alternative modes of transportation.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

Three schemes were presented at the Early Design Guidance meeting. All of the options include below grade parking, ground level retail along the Broadway side and access from both Republican and Mercer streets. The first scheme (Option A) proposes a rectangular-shaped building that maximizes the site and includes with two interior courtyards. The residential entries would be taken from Republican and Mercer and Harvard. This alternative includes 85% lot coverage at all levels.

The second alternative (Option B) proposes a C-shaped building, with the central rectangular courtyard open to the east towards Broadway. The main residential entry would be from Harvard, as well as some ground level live/work units. This alternative includes 85% lot coverage at the ground level and 75% lot coverage at the upper levels.

The third and preferred scheme (Option C) shows a massing configuration of two C-shaped buildings facing each other with connecting spans linking the two buildings together. The main residential entry would be from Harvard. This alternative also includes 85% lot coverage at the ground level and 75% lot coverage at the upper levels.

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 siting and design guidance and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. Additionally, consultation with the *Pike/Pine Neighborhood Community Design Guidelines* allowed the Board to provide further elaboration on these guidelines identified as highest priority. The Board also consulted with the neighborhood specific guidelines *Capitol Hill Neighborhood Design Guidelines*.

At the Initial Recommendation, a more developed design was presented to the Board. The building configuration has evolved into two masses, one an O-shaped and the second a C-shaped building. Along Broadway, there is a gap between the two masses that has been designed as the principal entry with a staircase connecting the sidewalk to the central elevated courtyard area, one level above the sidewalk grade. Townhouse-like units are located at ground level of the courtyard, as well as along the western side of the building along Harvard Avenue.

At the second Recommendation meeting, a further evolved design was presented to the Board. Changes since the last meeting included straightening the landscaping provided along Harvard to address the canted property line, a reduction of the stucco on the upper levels along Broadway, confining the red and green accent colors per building rather than per elevations and shifting the trash and service areas to inside the garage.

At the third Recommendation meeting, the following changes were presented:

- A wider landscaped area at the northwest corner with taller vegetation (bamboo).
- Glassier corners with larger windows and wider corner bays. The parapets were changed to be more expressive and prominent.
- The green and red hardipanel accent color was shifted inward from the glassy corners to the interstitial space between the corner bays and the central module.
- The central module was changed to a variegated brick for the upper levels on Broadway, wrapping to the north and south facades for the base level and for the two ground level stories along Harvard. The upper levels of the Harvard elevation are stucco. The concrete bases for the four corners along Broadway are a stained grey color.
- The upper level windows along Harvard have been aligned with the ground level fenestration.

- The entry plaza area on Broadway has been modified to equalize the stair entry and the elevator entry area by shifting the stairs back. The paving patterns and landscaping design further emphasize the two entry points.

At the fourth Recommendation, a more developed design was presented to the Board with the following changes:

- Increased commercial square footage;
- Lighting integrated into the overhead canopies and the canopies themselves are deeper;
- A concrete wall element with integrated lighting has been introduced between the ground level residential units along Harvard;
- The most northwestern unit has been raised an additional two feet;
- The building corners have heavier scaled cornices and a pre-cast cornice is included above the brick portion of the building on Broadway;
- The glass railings along Broadway were eliminated;
- The retail portal is pre cast concrete;
- The northeast corner has been redesigned;
- The color palette has been revised and further detailed;
- The four corners along Harvard have been redesigned; and
- Both the Broadway and Harvard entry courts have been further detailed.

The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

## Site Planning

### A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Capitol Hill-specific supplemental guidance:

**Retain or increase the width of sidewalks.**

**Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.**

**Vehicle entrances to buildings should not dominate the streetscape.**

**Orient townhouse structures to provide pedestrian entrances to the sidewalk.**

**For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.**

**New development in commercial zones should be sensitive to neighboring residential zones. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.**

The Board agreed that the sidewalks should be widened along Broadway. The relationship between the retail façade and the retail entries should be well-considered and detailed. See also, A-4. The Board supported the concept of ground level residential units along Harvard, street trees, visible landscaping and significant glazing.

*At the Initial Recommendation meeting, the Board was very pleased with the ground level residential units along Harvard, as well as the well-considered retail with significant glazing along Broadway. See A-4.*

*At the Second Recommendation meeting, the Board continued to be very pleased and supportive of the proposed retail design along Broadway and ground level residential units along Harvard.*

**A-4 Human Activity. New development should be sited and designed to encourage human activity along the street.**

**Capitol Hill-specific supplemental guidance:**

**Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street.**

**Provide for outdoor eating and drinking opportunities on the sidewalks by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.**

**Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.**

The Board strongly supported a massing configuration and design that follows the pattern established by the block across the street and to the south (with a Starbucks at the corner). The rhythm and size of these retail storefronts is well-suited to the Broadway character and strong pedestrian environment.

The Board agreed that the design of commercial spaces should encourage flexibility and expression of the future individual businesses. However, the Board noted that the design of these retail spaces should lend continuity to this very long façade. The Board will be very interested in seeing detailed larger scaled street level elevations presented at the next meeting.

The Board expressed concern and confusion as to why the courtyard is elevated. They agree that the courtyard should be configured to encourage interaction with pedestrians, as well as maximize accessibility to ensure the space is well-utilized.

*At the Initial Recommendation meeting, the Broadway retail concept was presented to the Board. In an effort to create retail opportunities that are eclectic and scaled to the neighborhood, a variety of differently sized retail spaces have been contemplated. There are 12 storefronts shown along Broadway, interrupted by the grand entry stairwell. Each of the two commercial segments along Broadway are anchored by larger retail space bookends. The corner retail on either side of the entry stairs will have the opportunity to spill out into the entry court area. Each of the storefronts is relatively narrow, between 18-26 feet, thereby equalizing the exposure of all the tenants. The corner retail spaces have two story volumes to reinforce the high visibility corners. The retail height steps down after the corners. All of the storefronts are intended to encourage each shop to have individual expression.*

*The Board was concerned with the amount of blank wall along Republican Street to the south of the site. It appears that the location of the service areas off of the driveway is driving the need for the blank wall, thus the Board strongly recommended that the service area be relocated elsewhere within the garage and allow for an intervening use to be accommodated. If the blank wall cannot be avoided, then it should be treated with a green screen.*

*The Board discussed the elevated courtyard and remained unconvinced that as to why this was a desirable configuration versus an at grade courtyard. They would like to see more evidence that the presence of at grade parking within a garage is beneficial to a successful retail scheme.*

*At the Second Recommendation meeting, the Board reiterated their recommendation to create smaller retail spaces. The Board was assured that the intent for multiple retailers would likely occur due to the separate HVAC systems and mechanical equipment to accommodate restaurant uses at the corners.*

*At the Third Recommendation meeting, the Board recommended that the depth of the canopies be increased to provide fuller overhead weather protection. Additionally, the Board would like to review the details of how lighting is integrated into the canopy system.*

- 1. The canopy depths should be increased by at least two feet.*
- 2. The detail for the lighting under the canopy soffits needs to be provided.*

*At the Fourth Recommendation meeting, the Board was pleased that deeper canopies have been provided and that the exterior lighting sconces will be affixed to the underside of the canopies to illuminate the sidewalk, signage and storefronts.*

**A-6 Transition Between Residence & Street. The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

The Board agreed that the design and building program should encourage pedestrian activity. The commercial spaces should utilize transparent windows and overhead weather protection and other details that encourage pedestrian traffic to, from and around the site.

The Board agreed that the project should provide a continuous street level façade at the property line along Broadway in order to reinforce and contribute to a vibrant street life particular to Broadway. Along the other facades, the transition between the residential uses and sidewalk should be more gentle and gradual with stoops, setbacks, landscape buffers, etc.

*At the Initial Recommendation meeting, the Board was pleased with the relationship of the retail commercial uses and the sidewalk and less convinced of the relationship between the ground level residential uses and the sidewalk. The transitional buffer area between these units and the sidewalk should be more generous and allow for greater privacy.*

*At the Second Recommendation meeting, the Board was still somewhat concerned that the ground level units at the northern end of the Harvard elevation did not have sufficient buffering from the sidewalk. The Board was split as to whether the proposed ground level planting would be sufficient to give the units enough privacy or whether the blinds within the units would remain closed thereby precluding visual interaction at the sidewalk level.*

*At the Third Recommendation meeting, the Board discussed at length how the ground level units along Harvard Street could be the most successful. They agreed that further emphasizing the semi-private spaces in front of the units is critical in making them comfortable places to live. They suggested carrying the brick material out to the planters and creating vertical markers at the entry points between the public and private areas. The Board was most concerned that the unit in the northwestern corner posed the greatest challenge in terms of livability. Even with the increased vertical plantings, without the setback, the unit feels like it will have a more commercial character. The Board encouraged the applicant to explore this corner use and how it is likely to function most effectively and allow a sense of activity at this location.*

3. *The concrete walls shown in front of the Harvard residential units should be brick.*
4. *The individual entrances to the ground level units should be more distinctive and distinguished with dense hedges, bollards, ornamental railings, columns, lighting, addressing or other elements that help to define the private space from the public and imply a sense of security and privacy. It is also important that each pair of entrances is delineated.*
5. *The ground level unit of the northwest corner should be able to function successfully as a live/work use and space.*

*At the Fourth Recommendation meeting, the Board agreed that the newly introduced concrete wall element separating each pairing of ground level residential units successfully distinguishes the individual units. The Board also supported the integral lighting within the wall and the ability of the wall to provide seating, as well as correspond to the concrete planter walls in front of each unit. The Board also supported the scored concrete at the entry landing of each unit was shown, along with dense vegetation planting in the raised planters and at sidewalk grade. The Board was pleased that the northwestern most corner unit has been raised an additional two feet to provide further privacy and buffering. The Board did not discuss whether the walls should be concrete as shown, or brick, as recommended above.*

**A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

The Board noted that this site includes four corners with very different characters, ranging from commercial to residential. Given this context, the Board expects that the design will recognize this character change and integrate this transition of uses into the building design, materials, details and massing.

*At the Initial Recommendation meeting, the Board was very supportive of the double height of the commercial uses at the building base. The Board would like to see greater transparency on the upper levels of the corners.*

*At the Second Recommendation meeting, the Board agreed that the corners should have more generous canopies with deeper dimensions. The Board also recommended the Broadway corners to be mostly transparent and glassy and wrap the side elevations for at least two bays. The parapets at the corners should vary from the rest of the building to add more prominence at the corners.*

*At the Third Recommendation meeting, the Board was pleased with the increased glassiness of the corners. See the discussion of the parapet design under C-2.*

## Height, Bulk & Scale

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.**

**Broadway-specific supplemental guidance:**

**Help maintain and enhance the character of Broadway by designing new buildings to reflect the scale of existing buildings.**

**Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials.**

**The pedestrian orientation of Broadway should be strengthened by designing to accommodate the presence or appearance of small store fronts that meet the sidewalk and where possible provide for an ample sidewalk.**

The Board supported a design that maximizes the potential development allowed by the underlying zone. However, the Board stated that the design and massing of the west façade should make a good transition in height, bulk and scale to the lower scale of the adjacent residential zone.

*At the Initial Recommendation meeting, the Board was very pleased with the two-dimensional renderings presented. Given the breadth and complexity of the proposed development, however, the Board would like to review a three-dimensional model to better understand the project.*

*The Board expressed concern with the sheer bulk and appearance of the residential portions of the building, particularly along the east and west elevations. The Board agreed that the two buildings should be further differentiated to help reduce the sense of bulk. The excessive, repetitive horizontality of the Harvard Street façade also needs to be broken down by better relating the units to the street. See also C-2.*

*At the Second Recommendation meeting, the Board found the computer model helpful, albeit distracting during the presentation. The Board did not feel that the unrelenting horizontality of the residential base along Harvard had been successfully addressed.*

## Architectural Elements

### C-1 Architectural Context.

**New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

The Board noted that the design should reference the recently approved design for a development across the street (the Brix). The Board agreed that breaking down the massing, both vertically and horizontally, along the considerable length of Broadway and Harvard streets is critical. They noted that the scale should reflect a more traditional, discrete storefront and/or row-house appearance, rather than allowing the design to exacerbate the unusually large scale and sized site. The Board recommended varying the height of the cornices and including overhead weather protection.

### C-2 Architectural Concept and Consistency.

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**
- **Buildings should exhibit form and features identifying the functions within the building.**

**Capitol Hill-specific supplemental guidance:**

**Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.**

**Solid canopies or fabric awnings over the sidewalk are preferred.**

**Avoid using vinyl awnings that also serve as big, illuminated signs.**

**Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.**

The proposed design concept should strive for a bold, whimsical design that is reflective of the varied and creative community. The Board looks forward to seeing a cohesive architectural design that reflects the Broadway community.

The Board agreed that the proposed sky bridge element over the courtyard entrance area shown in Option 3 should be light and transparent and maximize opportunities for views through site. The Board was puzzled as to why the entry slot is not centered along the east and west elevations.

*At the Initial Recommendation meeting, the Board was very pleased with the retail concept and design. The Board was concerned with the similarity of the two buildings and would like to see greater differences between them. The balconies and windows along Broadway however are too standard and unrelieved. The Board suggested this*

*could be achieved by the distribution of color, fenestration and material palette. The building colors should be per building, rather than per façade. The Board was displeased with the extensive use of stucco and vinyl along the length of the building, particularly along the east and west facades. The Board noted, however, that if the façade was all brick, then no additional changes to the design would be necessary.*

*See also A-10 regarding treatment of the corners.*

*Along Harvard Avenue, the Board was concerned with the proportions of the proposed two story brick base to the upper stories. Specifically, the materials and design of the base and upper floors do not appear to be well integrated. The Board suggested that brick be used vertically for the height of the building at selected points of the façade (for example, at corners or bays) to help break the relentlessness of the horizontal base.*

*At the Second Recommendation meeting, the Board continued to be concerned that the overall design of the upper facades lacked high quality materials and cohesiveness. The Board agreed that there was too much happening at the upper levels with too many colors and that the design should simplify the color scheme, articulate and improve the materials in order to achieve a more elegant building appropriate to this neighborhood.*

*At the Third Recommendation meeting, the Board felt that despite the improvements to the design of the building, the design lacks cohesion and a sense of character unto itself. Specifically, the Board discussed how the cornice lines and parapets, particularly along Broadway could be improved. Generally, the design of these cornices is too generic and disproportional to the building below and needs to be heavier and further detailed. The Board also discussed at length the proposed pre-cast concrete that wraps into the entry plaza area on Broadway. The color and texture of this pre-cast was of concern to the Board as being overly dark and uninteresting. They recommended lightening the color to a more natural concrete tone and a textured finish, along with adding other details that will provide interest to the pedestrians and users of the building.*

6. *The cornice lines should be designed as follows:
  - a) *Include a heavier scaled cornice at the corners.*
  - b) *Above the brick portion of the façade, include a different, heavier cornice design that extends to the same height shown. This cornice should not simply be metal coping, but should be kept clean with a material, such as pre-cast concrete.**
7. *The pre-cast color of the concrete that wraps into the entry plaza area along Broadway is too dark and needs to be further humanized and detailed with color and texture. The Board recommended a buff concrete color and a sand finish, not smooth. The details of the joints and reveals need to be provided, as well as how the concrete meets the ground. The Board encourages the use of tile inserts, artwork or other decorative features to enliven the space.*

***At the Fourth Recommendation meeting, the Board was very pleased with the revised cornice lines that now include a heavier scaled, dark colored cornice at the corners and a pre-cast cornice above the brick portions of the Broadway façade.***

*The finish of the concrete that wraps into the courtyard was not presented and the Board stated that they would like to see lighter, warmer concrete color and finish that contrasts more with the metal color of the upper floors.*

*Board recommended condition:*

- 1. The concrete should be a lighter, warmer color and finish that increases the contrast with the metal color of the upper floors.*

*The entry paving pattern has been reflected in the walls on either side of the entry with a diamond pattern that is either stamped in the concrete or tile inserts. The diamonds are grey and red. Additional red and yellow accent colors have been integrated into the entry plaza design with bands above the doors, the awning over the elevator entrance, in the diamond band design over this awning and in the signage. The Board was pleased with these details and the visual interest that is brought to this entry space and reinforced by the curved entry stair and artistic gate element. The Board expects that these details will be well executed during installation. The Board also strongly supported extending these pavement details into the right-of-way.*

*Board recommended condition:*

- 2. The gate element should be an artistically designed focal feature of both entry areas.*

*The Board agreed that the articulation of the corner elements along Broadway was over-modulated and should be squared off.*

*Board recommended condition:*

- 3. The vertical modulation of the corner elements on Broadway should be eliminated and the cornice continued to cap the corner module all within the same plane.*

**C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

Capitol Hill-specific supplemental guidance:

Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture. Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.

See A-2 and A-4.

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

**Capitol Hill-specific supplemental guidance:**

**Provide operable windows, especially on storefronts.**

**Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.**

**The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.**

Masonry, metal and fiber cement panels were presented as potential materials. The Board looks forward to reviewing a more detailed materials and color board that is reflective of and responsive to the imaginative and funky character of Broadway.

*At the Initial Recommendation meeting, the materials included glass and metal storefronts with aluminum windows at the ground level along Broadway with glass and metal overhead canopies. The residential façade is taupe colored stucco for the midsection of the Broadway elevation with dark red colored fiber cement panels at the corners along Broadway. Along Harvard, the ground level residential units are red brick with concrete lintels and sills. The residential units above are taupe colored stucco with dark green fiber cement board at the corners. The brick base wraps the north and south facades with taupe colored stucco above.*

*The Board was concerned with the proposed material palette and felt that given the significance of the project, greater understanding of the material and design details is needed. The quality of the material palette is critical. Stucco is not a material that is in keeping with the neighborhood character. For example, concrete shown at the base should be pre-cast. The Board also agreed that the materials at the pedestrian level along Broadway should be warmer. The Board would like to see brick or other masonry used along the Broadway façade as a material that is warm, consistent with the neighborhood character and specifically desired in the neighborhood guidelines. At the next meeting, the Board would also like to see the details of the proposed materials including the windows and transitions. The Board would also like to see darker colored vinyl windows selected.*

*At the Second Recommendation meeting, the Board was disappointed that the material palette and quality of materials have not improved since the previous meeting. The Board agreed that this is a very large development for this neighborhood and that using durable, high quality materials is critical. The quality of the proposed material is substandard for such a significant building in this location. The proposed materials need to reference the desirable buildings of the neighborhood, both old and new, namely brick, stone and masonry. Such sentiment is reinforced by the neighborhood-specific guidelines. This is particularly crucial along Broadway, which is the civic face of the building. In order to get a recommendation of approval at the next meeting, the Board expects to see the following:*

*On the Broadway elevation:*

*1) The major building volumes along Broadway should be stone or brick to create a strong sense of permanence.*

- 2) *The recessed portions of the building along the Broadway facade may be of a lesser material, but preferably glass.*
- 3) *The bookends along Broadway should be glass and metal. These volumes should be simplified.*
- 4) *The color palette should be simplified with a maximum of two colors per building mass.*

*On the Harvard elevation:*

- 1) *This elevation is too busy. In order to simplify the design, the fenestration should be aligned to correspond to the base. The overall design should be simplified.*
- 2) *The color palette should be simplified with a maximum of two colors per building mass.*
- 3) *For the upper levels, the proposed stucco material is acceptable, but metal or fiber cement would be preferable. The details of how the material is articulated needs to be presented and reviewed. Specifically, typical details of the sills, flashing and window wrapping treatment need to be shown on boards.*
- 4) *The corner materials should wrap for at least two bays onto the north and south elevations.*

*On the Mercer (north) elevation:*

- 1) *The glassy corners from Broadway should wrap onto the upper levels of the north elevation.*
- 2) *The color palette of the upper levels should be simplified with a maximum of two colors.*

*On the Republican (south) elevation:*

- 1) *The glassy corners from Broadway should wrap onto the upper levels of the south elevation.*
- 2) *The color palette of the upper levels should be simplified with a maximum of two colors.*

*At the Third Recommendation meeting, the Board unanimously agreed that the brick along Broadway was a dramatic improvement to the design of this elevation. The Board also agreed that the design of the corners had been significantly improved with inclusion of greater glass and transparency. The simplification of the use of the accent color was also improved.*

*The Board was troubled by the proposed metal frame around the commercial base below the brick portion of the Broadway elevation. They agreed that the material should either be pre-cast, brick or masonry. The Board also felt further refinements to the color palette and material proportions were needed. The Board agreed that the Harvard corners could be strengthened by being just one material.*

8. *Along the Broadway façade and between the corner elements, increase the proportions of the podium frame element and change the material from metal to*

- either pre-cast concrete or brick. The frame should also be revised to include at least one central column “leg” touching the ground between the two end legs.*
9. *The northeast corner of the building along Broadway should be one material, i.e. all brick or all glass/metal for the depth of two bays (similar to the southeast corner).*
  10. *The color palette needs further study. 1) The recessed area should be a darker tone that contrasts with the brick. The green tone presented is more successful than the red color. 2) The upper floors of the Harvard elevation should be a hue that is richer with greater tonality (not the beige shown). The Board encouraged the applicant to retain a color specialist to select this color.*
  11. *The four corners on Harvard should be carry the glass and metal materials to the ground (and eliminate the brick) or conversely all brick and carry the brick base up to the top.*
  12. *Along the residential floors of the Broadway elevation and in order to increase the vertical emphasis, the glass railings shown on the elevations should be 1) revised to be a decorative metal and 2) confined only to those areas where there are openings.*

***At the Fourth Recommendation meeting, the Board was very pleased that the retail portal frame was revised to be concrete, but reiterated that the concrete portal should have a central column extending to the ground.***

***Board recommended condition:***

4. ***The southernmost concrete retail portal element should have at least one central column to the ground.***

***The Board was supportive of the changes to the northeast corner, responding to #9 above. However, the Board felt that the concrete base at the second level felt expansive and oppressive and that either the warehouse-like windows used at the upper levels should be included at the second level. They also recommended extending the metal downward to meet the first floor.***

***Board recommended condition:***

5. ***The warehouse-like windows used at the upper levels should be included at the second level.***

***The color palette has been changed to include more subtle colors that allow the red brick to be the most expressive color and material. The new colors along Broadway include dark taupe at the building corners with lighter taupe in the recessed portions and a very dark taupe colored cornice. Black vinyl clad windows were shown at the metal corners and base, while the recessed windows are white vinyl windows. The Board was satisfied with the revised palette. The Board noted that the change recommended in condition #2 will shift the color application along the Republican and Mercer elevations and efforts should be made to reflect the consistency of color application used on the rest of the building (i.e., recessed portions are one color, corners are another, etc).***

***The two end corner bases along Harvard were revised to be concrete and reflect the two Broadway corner treatments. The two interior corners, flanking the Harvard***

*courtyard entrance were kept brick to reinforce the residential character of this street. The Board was pleased with the revisions.*

*The glass railings along Broadway have been eliminated. All of the railings shown are a dark metal and have been limited to the alternating vertical bays.*

*The Board did not like the glass and metal canopy-like cornice elements on Broadway as overly busy and unnecessary.*

*Board recommended condition:*

*6. The metal and glass cornice feature located in the recessed portions of the Broadway elevation should be eliminated.*

**C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. The Board also suggested that the residential and retail uses on Broadway wrap around the building corners onto Mercer and Republican to help minimize the garage entries on the side streets.

*At the Second Recommendation meeting, the Board was pleased that this guidance has been sufficiently achieved.*

## **Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

**Capitol Hill-specific supplemental guidance:**

**Provide entryways that link the building to the surrounding landscape.**

**Create open spaces at street level that link to the open space of the sidewalk.**

**Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.**

**Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.**

The Board agreed that Option C is preferred, but emphasized that the residential courtyard should be widened and kept as transparent as possible. Views to this courtyard through the entry court should be maximized. The Board is concerned that the functionality of the interior courtyard be maximized. The Board recommended that the design explore and show examples of a through passage open to the public through the courtyard, connecting Broadway and Harvard. They discussed such a configuration could work along the northern section of the courtyard, aligning the public access portion

of the courtyard with the entry slot onto Broadway. The Board also suggested that the commercial uses could wrap into the courtyard area, helping to activate the space and create corner retail opportunities.

The Board looks forward to reviewing a high-quality, well programmed and well landscaped courtyard level open space design. The Board noted that the requested open space departure is considerable and the design must include elements that emphasize the quality and experience of the open spaces. For example, incorporation of operable windows and a well programmed, well-landscaped courtyard with some public access along with a well-designed hardscape along the right-of-way were suggested. The Board stressed that solar access should be maximized to the site.

*At the Initial Recommendation meeting, the gap between the two building masses along Broadway is described as the main entrance to the residential courtyard, lobby and leasing office. An undulating staircase connects the sidewalk to the courtyard. The staircase is set back from the sidewalk the depth of the retail spaces on either side to allow the retail glazing and activity to help activate the entry area. The courtyard is divided into two principal spaces, connected by a passage covered by a glazed walkway element and structure above. The gate at the top of the stairwell is intended to be secured and locked during evening hours. The concept of this gate is that it could double as a sculptural element that pivots upwards during the day and downwards to lock at night. The Board wants to see this element designed to be clearly visible from the pedestrian level along Broadway.*

*The Board was concerned that the ADA access was too secondary to the main entry path and should be designed as more of a focal point at this grand entrance. Both means of accessing the courtyard should be open, visible, dramatic and accessible.*

*The Board was not pleased with the diminishing planters along Harvard due to the angle of the property line. The Board noted that the ground level units at the northwest corner of the site should step back or the entire façade of the portion of the building should step back to create more of a buffer area between the sidewalk and the ground level residences.*

*At the Second Recommendation meeting, the Board agreed that the grand stair entry and central courtyard concepts were nice amenities for the project. The Board continued to have concerns with the elevator access between the Broadway sidewalk and courtyard. Realizing that this same passageway will also provide the pedestrian circulation between the retail parking and the Broadway retail, it became apparent to the Board that this entry is more than the ADA access. As such, the Board was even more convinced that this entry needs to be more gracious and prominent.*

*At the Third Recommendation meeting, the Board was pleased with the design changes to the entry court area and recommended that a vertical art piece that draws attention to the top of the stairs would help provide a focal point for this entry plaza. The Board also agreed that the Harvard stairs and landscaped area were unjustly inferior to the Broadway entry plaza and stairs and that greater consideration of this Harvard entry should be developed. Most significantly, the Board felt that the major gesture of breaking the project into two buildings was lost by the sheer verticality of the corner facades facing the mid-block stairs, courtyard and entry areas. This lack of articulation*

*minimizes the significant break between the two buildings, but also blocks solar exposure and attention to these entry spaces. The Board recommended eroding the top floor of each corner facing the mid-block connection by at least ten feet.*

- 13. Add a focal point to the entry staircase on Broadway – a visual draw that helps break the sequence of the movement up the stairs. A kinetic piece of sculpture was recommended.*
- 14. The entry gate, landscaping and staircase along Harvard should be as gracious and detailed as that designed for the Broadway entrance. The Harvard gate should be relocated to a point further up the stairs to create more of a softer, welcoming entrance on Harvard. The landscaping and detailing should relate to that provided on Broadway.*
- 15. The top two units at the corners of the Broadway and Harvard mid-block entry plaza area should be set back at least ten feet to open up the break between the two buildings and provide greater articulation, light and air.*

*At the Fourth Recommendation meeting, the applicant noted that artwork would be integrated into the Broadway entry plaza, but did not show specifics of this art element. The Board was very supportive of integrating art into this space.*

*The Board was generally pleased with the improvements made to the Harvard entry, although they expressed an interest in having an accessible entry integrated into this entry. The entry area is more gracious with dense landscaping, an artistic gate (similar to that shown on the Broadway side, decorative diamond patterning on the walls, lighting and seating. For presumed security reasons, the gate has been located at the base of the stairs, rather than further east as suggested by the Board previously.*

*The top corner units at both entry points were not set back as the Board had recommended at the Third Recommendation meeting.*

- D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements away from the street front where possible. Where these elements cannot be located away from street fronts, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

The Board would like to see all of the service elements associated with the proposed development located within the proposed structure.

*At the Initial Recommendation meeting, the Board was concerned that the service areas are located off of the driveway along the Republican Street, thereby disallowing the potential opportunity to put a more active use and façade treatment along this important street side.*

*At the Second Recommendation meeting, the Board was pleased with the re-location of the service area so that is accessed from within the garage and not from the sidewalk.*

## Landscaping

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

The Board was very supportive of the central courtyard concept and stressed that the programming and usability of the courtyard space will be critical. The Board looks forward to reviewing details of a well-programmed, detailed design for the range of open spaces integrated throughout the project. The Board also encouraged the architect to pursue green building techniques and integrate features within the design.

*At the Initial Recommendation meeting, a landscape plan was presented that included street trees and grates for all of the street frontages and individual planters along Harvard Avenue. The courtyard, at the second level, is divided into two halves with the north half accessed by the entry stairwell as the active space with a rain activated water feature and the south half being more quiet and formal. The 6<sup>th</sup> and 7<sup>th</sup> level roof decks are heavily planted but include some active space with seating.*

*At the Initial Recommendation meeting, the Board appreciated the design of the internal pedestrian spaces that provide both quiet and active areas. However, the Board was skeptical about the extent of solar access to the proposed open spaces and vegetation caused by the change from a C-shaped south building shown at the EDG to the O-shaped south building now shown. The Board wants to review more concept sketches of the design character of the interior courtyard since it is not entirely apparent from the plan views. Specifically, showing views to and from the path connecting the two courtyards is critical in understanding the space and its' gracious, safe and comfortable character.*

*At the Second Recommendation meeting, the Board was pleased with the proposed landscape design concept for the courtyard and rooftop.*

**Design Review Departure Analysis**

The following departures from the development standards were proposed at this phase:

STANDARD	REQUIREMENT	REQUEST	BOARD RESPONSE
<p><b>Access to Parking</b> <b>SMC 23.47A.032.A</b></p>	<p>One driveway from the street is allowed.</p>	<p>Two driveways from the street are proposed.</p>	<p>Unanimously recommended to approve departure request in response to the trash and service areas being relocated from the drive aisle area, as well as the redesign of the Republican façade to better screen the interior parking. A-4</p>
<p><b>Residential Uses at Ground Level</b> <b>SMC 23.47A.008.D</b></p>	<p>Residential uses located at ground level should be either 4’ above sidewalk level or setback 10’ from the property line.</p>	<p>Ground level units are between 1’ and 4’ and setback between 3’ to 7’.</p>	<p>Unanimously recommended to approve departure request due to the design refinements that include emphasized private entrances as accentuated by hedges, railings and landscaping. The raised height of the corner unit was also an improvement to the viability of this unit. A-6</p>

**Summary of Board’s Recommendations**

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the February 20, 2008 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The concrete should be a lighter, warmer color and finish that increases the contrast with the metal color of the upper floors.
2. The gate element should be an artistically designed focal feature of both entry areas.
3. The vertical modulation of the corner elements on Broadway should be eliminated and the cornice continued to cap the corner module all within the same plane.
4. The southernmost concrete retail portal element should have at least one central column to the ground.
5. The warehouse-like windows used at the upper levels should be included at the second level.
6. The metal and glass cornice feature located in the recessed portions of the Broadway elevation should be eliminated.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Broadway, Harvard Avenue as well as East Mercer Street and East Republican Street, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity at this critical intersection and be compatible with the residential neighborhood to the east.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD 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 above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

## **ANALYSIS & DECISION – DESIGN REVIEW**

### Director's Analysis

Five members of the Capitol/First Hill 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 well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines C-2 and C-4 and support the case in favor of granting departures from the access and street level residential standards. Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

### Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. In order to assure that the design features presented to the Board will be retained throughout the process and until the Certificate of Occupancy is issued, the Director shall reiterate the proposed design features as conditions as follows:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-6, C-2 and C-4:
  - a) Varied retail storefront windows systems;
  - b) Concrete walls with integral lighting between the ground level units on Harvard;
  - c) Scored concrete decorative diamond pattern in entry courts walls and floor;
  - d) Dark colored vinyl windows at corners;
  - e) Concrete finishes and details at entry areas;
  - f) Elevated unit at the northwest corner;
  - g) Combination of wall and blade signage of varying heights per the signage study dated 7/26/07;
  - h) Articulated pre-cast concrete cornice over the brick faced on Broadway;
  - i) Continuous glass windows at the second floor above the retail uses on Broadway;
  - j) Concrete 'portal' framing retail uses;
  - k) Materials and color palette presented at the final meeting and in the packet dated 2/20/08; and
  - l) Individual canopies over each townhouse entry.
2. The following landscape features and details presented at the Final Design Review meeting and described under guidelines D-1 and E-2:

*Interior Courtyard:*

  - a) Interior courtyard heavily landscaped with plants providing texture, color and seasonal variation;
  - b) Water feature of the interior courtyard;

*Roof Levels:*

  - c) Green roof system;
  - d) Seating, (2) sculptures, decking and windscreens at the roof top open spaces;

*Entries and ROW:*

  - e) Street trees on all four abutting streets, along with other right-of-way landscaping;
  - f) Concrete planters and vegetation shown at the ground level residential units along Harvard Avenue;
  - g) Minimum six foot deep overhead weather protection with integrated exterior lighting;
  - h) Paving patterns and forms in the entry court;
  - i) Artwork at focal point location of Broadway entry court; and
  - j) Preservation and/or installation of the Broadway accent paving band on the sidewalk.

The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 21, 2007. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 50,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none"> <li>• 50,000 cubic yards of excavated materials.</li> </ul>
2. Traffic	<ul style="list-style-type: none"> <li>• Increased vehicular traffic adjacent to the site due to construction vehicles.</li> </ul>
3. Construction Noise	<ul style="list-style-type: none"> <li>• Increased noise from construction activities.</li> </ul>

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 50,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

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

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 5,000 single-loaded truckloads to remove the estimated 50,000 cubic yards of material.

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

2. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

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

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Noise

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

Long-term Impacts

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

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

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted.

Parking

A traffic study was submitted to DPD by Gibson Traffic Consultants dated July 2007 and amended in February 2008 evaluating the parking impacts of the proposed development. The 357 parking spaces provided by the proposed development are all located on-site. The parking spaces are distributed between three levels of below and at grade parking, all within the proposed structure. Both levels are accessed via two, two driveways off of East Mercer Street and East Republican Street.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment and Shopping Center (retail) were used. The results of the parking generation are shown below:

**Parking Demand Calculations: Proposed Uses**

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	SMC Required	ITE Peak hour	Total Spaces per ITE	8% Internal Crossover Rate	Proposed
<b>Proposed</b>	Mid Rise Apartment (ITE 221)	Multifamily Residential	295 units	0	295	375	345	357
<b>Proposed</b>	Shopping Center (ITE 820)	Retail	30,000 SF	15	80			

According to the ITE report, the 30,000 square feet of commercial uses associated with the proposed project would require approximately 80 parking spaces during the peak hour likely to occur during the p.m. peak hours. The 295 proposed residential units would require approximately 290 spaces during the peak hours likely between late evening and early morning. These figures are likely to be higher than the actual parking demand due to internal crossover between the uses, as well as because the numbers used from the ITE are taken from suburban locations which generally have higher parking demands than comparable uses located in urban areas. The internal crossover rate is 8%, which reduces the anticipated parking demand from 375 to 345. The proposed development will provide 357 parking spaces. The amount of parking provided exceeds the anticipated demand. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by Gibson Traffic Consultants dated July 2007 and amended in February 2008 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the proposed development, trip generation rates associated with Multifamily Apartment and Specialty Retail were used for the proposed development. The results of the trip generation are shown below:

**Trip Generation Calculations: Proposed Uses**

Use	Use Per ITE Land Use	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
<b>Proposed</b>	Multifamily Apartment (ITE 220)	(Unit Count) 295	170	227
<b>Proposed</b>	Specialty Retail (ITE 814)	30,000	57	
<b>Existing</b>	Fast Food w/o Drive-Through (ITE 993)	1,290 SF	-19	200
<b>Existing</b>	Supermarket (ITE 850)	22,500 SF	-150	
<b>Existing</b>	Pharmacy w/o Drive-Through (ITE 880)	5,000 SF	-20	
<b>Existing</b>	Multifamily Residential (ITE 220)	(Unit Count) 14	-9	
<b>Existing</b>	Single Family (ITE 210)	(Unit Count) 2	-2	

Using the ITE data, there will be approximately 27 additional trips in the PM peak hour associated with the proposed combination of uses. All of the intersections studied currently operate at a Level of Service A and suggest unused capacity at these intersections. Even with the additional 27 trips generated by the proposed development, these intersections are expected to continue to operate at Level of Service A during the weekday p.m. peak hours. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services Broadway and the Capitol Hill neighborhood and provides direct connections to downtown Seattle. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

### **DECISION - SEPA**

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

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

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

### **CONDITIONS – SEPA**

#### *During Construction*

The owner applicant/responsible party shall:

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

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

2. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

*During Construction – Non-appealable*

3. To ensure protection of the public artwork during construction, the entirety of the “Dancer’s Steps” in the sidewalk along Broadway shall be completely covered with raised plywood (not more than one inch above the artwork) and anchored in place. Once this is installed, the Public Art Conservation Technician, Office of Arts and Cultural Affairs shall be contacted to review and approve (206-615-1879) that the plywood has been installed satisfactorily. The protective covering shall remain for the duration of construction.
4. The existing street trees shall be protected and preserved per the Tree Protection Plan shown on sheet L1.92.

**CONDITIONS – DESIGN REVIEW**

*Prior to MUP Issuance (Non-Appealable)*

5. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director’s Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

*Prior to Building Permit Issuance*

6. The concrete should be a lighter, warmer color and finish that increases the contrast with the metal color of the upper floors.
7. The gate element should be an artistically designed focal feature of both entry areas.

8. The vertical modulation of the corner elements on Broadway should be eliminated and the cornice continued to cap the corner module all within the same plane.
9. The southernmost concrete retail portal element should have at least one central column to the ground.
10. The warehouse-like windows used at the upper levels should be included at the second level.
11. The metal and glass cornice feature located in the recessed portions of the Broadway elevation should be eliminated.

Prior to Issuance of the Certificate of Occupancy

12. Compliance with conditions #6-11 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

13. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-6, C-2 and C-4:
  - a) Varied retail storefront windows systems;
  - b) Concrete walls with integral lighting between the ground level units on Harvard;
  - c) Scored concrete decorative diamond pattern in entry courts walls and floor;
  - d) Dark colored vinyl windows at corners;
  - e) Concrete finishes and details at entry areas;
  - f) Elevated unit at the northwest corner;
  - g) Combination of wall and blade signage of varying heights per the signage study dated 7/26/07;
  - h) Articulated pre-cast concrete cornice over the brick faced on Broadway;
  - i) Continuous glass windows at the second floor above the retail uses on Broadway;
  - j) Concrete 'portal' framing retail uses;
  - k) Materials and color palette presented at the final meeting and in the packet dated 2/20/08; and
  - l) Individual canopies over each townhouse entry.
14. The following landscape features and details presented at the Final Design Review meeting and described under guidelines D-1 and E-2:

*Interior Courtyard:*

  - a) Interior courtyard heavily landscaped with plants providing texture, color and seasonal variation;
  - b) Water feature of the interior courtyard;

*Roof Levels:*

  - c) Green roof system;
  - d) Seating, (2) sculptures, decking and windscreens at the roof top open spaces;

