City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D.M. Sugimura, Director

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

Project Number:	3003436
Applicant:	Gordon Fleener, Architect
Address:	2200 24th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three-story building with five residential units, and 11,140 square feet of medical services, community center and institute for advanced studies, and restaurant along with 2,832 square feet of retail at ground floor. 43 parking spaces will be provided underground.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, (SMC).

Design Review - Chapter 23.41, (SMC).

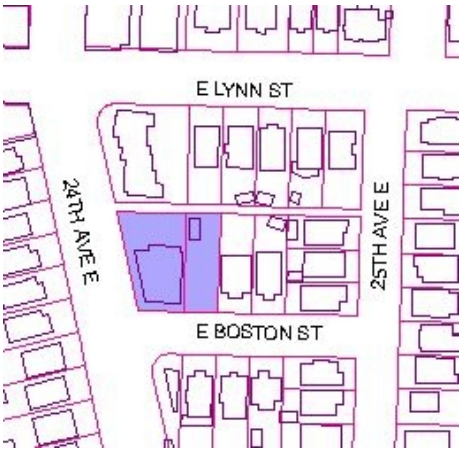
SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The site is located on the corner of 24th Avenue East and East Boston Street and is bounded on the north by an alley. It sits at the southern end of a small Montlake commercial area centered on the intersection of 24th Avenue East and East Lynn Street. The site is split zoned with the western portion zone Neighborhood Commercial 1 with a 30 foot height limit (NC1-30) and the eastern portion zoned Lowrise 1 Residential Commercial (L1 RC). The site slopes down about six feet to the northeast corner. There was once a gas station at this site and Exxon Mobil is currently aerating the soil to remove traces of petroleum. This soil is proposed to be removed during construction of the new site. King County Metro has a substation on this site which provides power for the electric buses running on 24th Avenue. The substation will remain on the site.



AREA DEVELOPMENT

Zoning to the north across the alley is neighborhood commercial 1 (NC1) and Single Family 5000 (SF 5000). The SF 5000 begins just to the north of the L1 RC zoning. The neighboring lot to the east of this site is L1 RC. Beyond that site the single family zoning begins again. Zoning across East Boston Street is Single Family 5000.

The site is at the southern end of a larger commercial area in Montlake. The commercial area, however, is fairly small; two blocks long and about one lot wide. Many of the buildings and houses in the area were built in the 1920's. The former Montlake library building is an interesting structure and the new Montlake library building to the north will be a strong addition to the area. There is no view from these sites. The University of Washington Arboretum is a block and a half to the east.

ANALYSIS - DESIGN REVIEW

This project was subject to the City of Seattle design review program. The designers received early design guidance at a design review meeting February 1, 2006.

EARLY DESIGN GUIDANCE

Architect's presentation

Gordon Fleener, architect made the presentation. He explained general zoning and area uses. He explained the site opportunities and constraints. Three massing studies show the mixed use proposal and the possible massing on the site. The buildings would fall under height restrictions of the zone and controlling land use code. Vehicle access to the site, for all uses, would be via the alley which will be widened one foot. The proposal is for commercial uses on 24th Avenue along with medical services, and three residential units above, the L1 RC portion of the site will have two ground related residential units. Parking is proposed to be partially underground and partially covered parking with uses above. The residential pedestrian entries are proposed to be off of East Boston Street. Proposed building materials would be high quality materials that require little maintenance.

Board Clarifying Questions and Comments

The Board clarified the mix and location of the proposed uses and proposed parking and vehicle access. They asked about the proposed relationship of the uses across the split zone line. They asked about the relationship, if any, of the uses to one another. There were also questions regarding the siting of the ground related housing and pedestrian access.

Public Comments

There were 12 members of the public present. Comments included the following:

- There is a strong need for retail uses on 24th Avenue. Please provide the maximum on this site.
- 24th Avenue is dangerous for pedestrians due to the speed of cars on 24th. Provide any traffic calming or pedestrian safety features that are available.
- Make sure that the current soil testing ceases with this development.
- There are evening clients. They will need parking for the evening too. Light, glare and noise from evening uses should be considered so it can be minimized.
- The birthing center will remain.

Board Discussion

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 described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Commercial and Mixed Use Buildings"* of highest priority to this project.

DESIGN GUIDELINES.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The living spaces should have a "relationship" to the street. Bays that emphasize the uses within and interesting commercial at the street should be presented. This location is very visible in the commercial area as well as being close to residential uses. Opportunities to relate to both should be presented.

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

Pedestrian uses along 24th Avenue East should be clearly identifiable and the sidewalk and first floor building design should create a desirable pedestrian area.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

Overhead weather protection and/or canopies should be presented as entry elements along the commercial building facades.

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

Residential entry on the street and lively commercial should be well-designed with details to address the needs of the users. Uses along 24th Avenue East should be transparent and designed to encourage human activity.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Residential uses across the alley and street, and adjacent to this property, should have minimal disruption of privacy and sense of space and security. Outdoor activities of the future residents, commercial and residential, should not disrupt the current use patterns.

A-6 <u>Transition between Residence and Street</u>. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The design should create transition areas for community building.

A-8 <u>Parking and Vehicle Access</u>. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

The applicant should work on an alley configuration, in consultation with SDOT, which minimizes the impact of automobiles on the alley. Alley access is preferred.

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

Orientation of the building to the street should be somewhat different in the two zones.

B. <u>Height, Bulk and Scale</u>

B-1 Height, Bulk and Scale

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 near-by , less-intensive zones.

There should be transition within the development. Building massing should meet 24th Avenue and not be stepped back. The townhouses should blend with the NC portion of the lot.

C. <u>Architectural Elements and Materials</u>

C-2 <u>Architectural Concept and Consistency</u>.

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**

An overall concept should be recognizable. There should be a consistent building concept transition between the east-west connection of uses and forms.

D. <u>Pedestrian Environment</u>

D-1 Pedestrian Open Spaces and Entrances
Convenient and attractive access to the building's entry should be provided.

Open spaces should be presented at the next meeting. Open spaces should be spaces that are attractive and able to be well-maintained. Pedestrian street and parking garage entries should be designed to move pedestrians in and out of the development. Open space on Boston should be explored at the sidewalk level.

Summary of Requested Departures

Possible departures, at this point, include driveway width. The Board is willing to entertain this possible departure from the development standards after further information is provided by the architect.

Staff Comments

1. Email the planner when the MUP application date is known.
2. Embed shadowed and colored elevations and roof/site/landscaping plans.
3. Meet with planner prior to submitting MUP drawings.

RECOMMENDATION MEETING – January 17, 2007

ARCHITECTS PRESENTATION

The Architect presented the proposal to the Board. He reviewed the site size and zoning, land use limits and opportunities. Parking will be accessed from the alley and two basement parking levels are proposed. There are several permitted uses proposed at this site; a small and a medium retail use, residential use, medical use, and classrooms. The classroom will be used as a support space for the building tenant classes as well as other related lectures. Two townhouses are proposed for the residential use in the L1RC zone on the east side of the project site. The architect reminded the Board that a Metro substation will remain at the site with access from the alley. The proposal will endeavor to screen and create a trellis cover for the large substation box. 43 parking spaces are proposed. For the most part the medical services will be located on the 2nd floor of the building on the west side of the building. The services will share waiting areas and a central stairway. The five proposed third-floor residential uses will be flat style dwelling units. The proposed exterior has extensive window glazing, a tile base and wooden storefront windows. There will be an overhead canopy above the sidewalks. Planters are proposed as part of the overhead system. A metal roof is proposed.

Several departures are contemplated with this project proposal; access width, floor to floor height, departures to enclose the Metro substation transformer, building depth, lot coverage and setbacks. (See the matrix below for more details)

BOARD CLARIFYING QUESTIONS

Board questions examined and commented on understanding the floor to floor heights for the different uses, the materials and operability of the window systems, the build green materials, the interior spaces as proposed, color schemes, and landscaping.

PUBLIC COMMENTS

There were six members of the public in attendance. Comments included concerns over access to the garage, increase bulk and scale of the proposal, landscaping, and building composition. And SEPA concerns of traffic flow and circulation in the area.

BOARD DELIBERATIONS

The Board discussed prominent issues from the presentation and public comments. Points of discussion included the following:

- Departures needed to enclose the Metro substation are appropriate to advance the design.
- Reduction of the floor to floor height at the southwest corner is a good move for the building to sit well on the site.
- Public concerns for children in the alley could have traffic control to encourage vehicles to exit to 24th Avenue East instead of to 25th Avenue East.
- Wrap of the commercial space at the north end is a good design move.
- Trellis and the vine to cover it should be high quality. The trellis should be metal or a plastic lumber and the vine should be evergreen. This should be a condition of the project.
- The stucco between the second floor windows and the parapet could be broken up a bit more with additional architectural detailing and would be a welcome addition in the construction permit application. The design details could help achieve a more urban look.
- Landscaping should be striving and irrigated to keep it alive and full.
- Provide a source of water for rooftop gardening
- The departures are supported by all the Board members present.
- Conditions should include departures for substation enclosures, retain the materials and colors.

Summary of Requested Departures

DESIGN DEPARTURE MATRIX:

Development Standard	Requirement	Proposed	Departure amount	Rationale	Board recommendation
SMC 23.54.030D2 Driveway width.	22 foot min two way width.	17 feet 7 inches.	4 feet 5 inches.	Best fit for the small amount of traffic and location.	approval guidelines A-1, A-5, A-8, and A-10.
SMC 23.47.008C2 Commercial space height in mixed use.	13 feet floor to floor	12 feet 2 inches for a portion of the corner area.	8 inches	Site slope and best fit for building to fit on the site, commercial character enhances.	approval A-1, A-10, B-1, C-2
SMC 23.54.011 Structural depth.	69 feet	99 feet	30 feet	Enclosing metro substation and covering it and parking ramp better meets the early design guidance.	approval A-1, A-5, A-10, B-1, C-2, D-1.
SMC 23.45.010A1 Lost coverage on L1 zone.	50%	73%	23%	Enclosing metro substation and covering it and parking ramp better meets the early design guidance.	Approval A-1, A-5, A-10, B-1, C-2, D-1.
SMC 23.45.014 B and C Rear and side setbacks.	20 feet, 8 foot average and 6 foot minimum.	0 feet for substation area and partial townhouse #2.	20 feet for substation area and partial townhouse #2.	Enclosing metro substation and covering it and parking ramp better meets the early design guidance.	approval A-1, A-5, A-10, B-1, C-2, D-1.

BOARD RECOMMENDATION:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been addressed by the applicant. In addition, three member Board supported the Departure requests and **recommended approval with conditions** to the design to the Director.

Recommended conditions are the following:

1. Maintain a full and healthy landscape for the life of the project with special attention to green architecture including vines and landscape screening and plants that trail over walls.
2. Provide a source of water at upper level landscaping.
3. Substantially retain the building colors and materials presented at the meeting.
4. The trellis must be made of durable material and have an evergreen vine for the life of the project.
5. Add a left only sign in the garage to encourage vehicles to exit to 24th Avenue East.

ANALYSIS AND DECISION - DESIGN REVIEW

The Board commented on the interesting mix of uses at this site, but principally the focus on creating quality living spaces in a very desirable area of the city while integrating important community clinic resources. The Metro transformer is a unique constraint on this site coupled with the Land Use Code zoning requirements. Several design departures from the land use code will help the project fit better on the site and allow design over and around the transformer. A smaller driveway width was approved because it helps the project meet guidelines A-1, A-5, A-8, and A-10. The reduction in commercial height at the ground floor helps the building sit on the site and not loom over the sidewalk as the site slopes; A-1, A-10, B-1, C-2. The departures for structural depth, lot coverage and setbacks are requested due to the transformer and the land use code measurement requirements, A-1, A-5, A-10, B-1, C-2, D-1. The departures are granted in order to help the project better meet the early design guidance.

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings* and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD as of the January 24, 2007. The Design Review Board meeting and the recommended **development standard departures** described above are **approved**.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated August 16, 2006 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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 such limitations/circumstances (SMC25.05.665) 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: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density and close proximity of neighboring businesses, further analysis of construction impacts is warranted.

Noise

Noise associated with construction could adversely affect the surrounding uses, thus the limitations of the Noise Ordinance are found to be inadequate. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted. Thus, limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request pursuant to SEPA authority to mitigate construction impacts (SMC 25.05.675B).

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Storm water, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage and Water Quality

Rain water on roofs and roof decks are the major sources of water runoff on this site. The rainwater will be collected in gutters and connected to the storm drainage system. Oil/water separators will be installed at the parking garage level. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project in a Neighborhood Commercial Zone 1 with a 30 foot height limit (NC1 30'). Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

There will be several uses housed in this building. The parking access will be from the alley. The use of the alley for access has caused some concern for neighbors who would prefer that the alley not be used for vehicle access. Since the building is located on the end of the block on 24th Avenue East most of the vehicular traffic will be able to use the west end of the alley for in and out access. It will be a condition of the project to post a left only sign for exiting cars to turn to the closest street, 24th Avenue. The number of trips will vary with the uses and will be centered

on the peak times of am and pm traffic. The trip distribution for the project s expected to be diluted among several intersections in that the use is serving Montlake and Capitol Hill neighborhoods and not generating trips from a distant location. A covered bicycle storage will be provided and a high volume transit stop is approximately 180 feet south of the site and the intersection of 24th Avenue and East Newton Street.

Parking

Per the City's parking code, the site would be required to provide approximately 43 parking stalls. Thus the parking garage should be adequate to meet the demand.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION SEPA

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

[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 43.21.030(2) (c).

[ ] 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 – DESIGN REVIEW

For the Life of the Project

1. Maintain a full and healthy landscape for the life of the project with special attention to green architecture including vines and landscape screening and plants that trail over walls.

2. Provide a source of water at upper level landscaping.

3. The trellis must be made of durable material and have an evergreen vine for the life of the project.

4. Add a left turn only sign at the garage exit to encourage vehicles to exit to 24th Avenue East. This sign can be removed in the future at the request of SDOT.

5. Substantially retain the building colors and materials presented at the meeting.

Non-Appealable Conditions

6. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

8. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

CONDITIONS – SEPA

Prior to Issuance of Demolition Permits

9. The applicant shall submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

During Building Demolition, Site Work and Building Construction

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

The owner's and/or responsible party(s) shall:

10. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD (contact Holly Godard 615-1254) to adequately evaluate the request.

Signature: (signature on file) Date: February 12, 2007
Holly Godard, Land Use Planner
Department of Planning and Development

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