



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**

Application Number: 3004008 (formerly 2502450)
Applicant Name: Tim Weyand, Architect, NBBJ for Greg Blume
Address of Proposal: 4555 Roosevelt Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to approve a six-story commercial structure containing 700 sq. ft. of retail and 50,000 sq. ft. of administrative office space. Project includes the addition of 30 parking spaces for a total of 208 above and below grade.

The following approvals are required:

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

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard

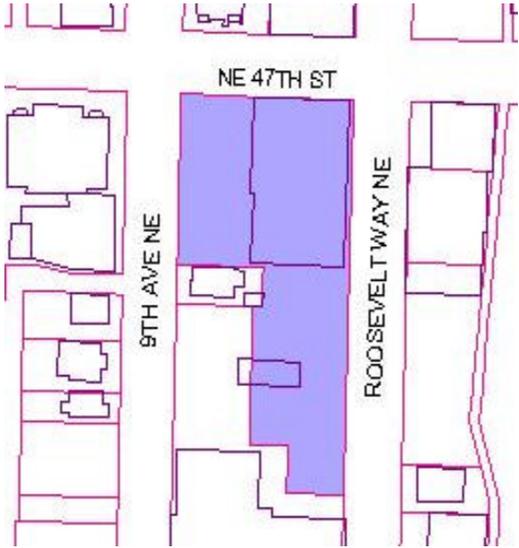
SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND INFORMATION

The site is located at 4555 Roosevelt Way NE, mid-block between NE 45th Street (to the south) NE 47th Street (to the north), Ninth Avenue NE (west), and Roosevelt Way NE (east), in Seattle’s University District. There is no alley in the block. The site has an area of approximately 32,000 sq. ft. Currently there is a two-story, concrete frame parking garage with access off of Roosevelt. The property is zoned NC3-85’ zone (Neighborhood Commercial 3 with a structure height limit of 85 feet), as is the entire block. The site is within the University Urban Center Village. The zoning along Roosevelt Way NE east of the site is also NC3-85’. Along Ninth Avenue NE, the zoning changes to Midrise Multifamily Residential (MR) on the north half of the block and NC3-65’ on the south half of the block. North of NE 47th Street the zoning includes Lowrise 1 Multifamily Residential (L1), Lowrise/Duplex/Triplex (LDT), and NC3-65’. South of NE 45th street the zoning is Commercial 1 with a sixty-five-foot height limit (C1-65’).



Area Development

The site is located mid-block between NE 45th St., NE 47th St., 9th Ave. NE, and Roosevelt Way NE. The property is currently developed with a two-story, concrete frame parking garage with access off of Roosevelt. Other development in the block consists of a mix of one, two and three story structures with office and retail uses, including the Metro Theater Building, Trader Joe’s, a fitness club and other retail and office uses and accessory parking. Neighboring uses include lowrise to midrise residential (including the highrise University Plaza Condominium west of the site), bank/offices, automotive retail and parking.

Project Description

The applicant proposes an infill project to be developed mid-block above the existing parking garage. The project would consist of a four-story, approximately 50,000 sq. ft. of office building located above an existing two-story parking structure, as well as an additional new half-level of parking on the west side of the new building with 30 new parking spaces (for a total of 208 parking spaces on-site.) The project features a mid-block pedestrian connection between 9th Ave. NE and NE Roosevelt Way and includes an upgraded lobby with new paving and landscaping fronting on Roosevelt Way. All proposed vehicular access is to be off of Roosevelt Way; however, the existing connection to the surface parking lot to the north (which has access on NE 47th St.) will remain. The existing parking garage structure serves as a foundation for the new structure without extensive reinforcement (the garage was designed with this goal). The existing METRO bus stop near new building lobby will be maintained and enhanced. The project will replace several existing parking stalls fronting on Roosevelt Way with

approximately 700 sq. ft. of new retail. A new screen wall is proposed to clad the existing parking garage. No code departures are requested.

PUBLIC COMMENTS

Public Comment and Involvement

Public notice was provided for the Design Review meetings that were held by the Northeast Design Review Board (DRB) for Early Design Guidance (EDG) on July 18 & September 19, 2005, and for Recommendation on July 17, 2006. Additional comment opportunities were provided at the time of Master Use Permit application.

1st DRB EDG: The July 18, 2005 meeting was attended by about a dozen members of the public. Eight of those attending the meeting added their names to the mailing list for the project and six offered comments. Their comments follow:

Sue Alden: likes entrance, likes blending of paving between driveway and walkway, loves proposed building elevations (exciting)

Phil Thiel: concerned about traffic impact on 45th; concerned about building overhang at entrance court (wants height variance for wider court volume); desires simple design strategy for entry court (don't get too fussy); desires different elevation character on 9th than on Roosevelt; prefers green screen of the various options presented, but wants to see the whole block in elevation; wants an improved entrance to Trader Joe's.

[owner of office above Trader Joe's]: Receives (2x)daily deliveries via regular-sized truck on south-facing second level entrance, and desires a clear path with enough height clearance in the future. Need to pay special attention to loading berth design.

[other]: wants to see as much landscaping as possible; wants building to be less 'commercial' looking on 9th Ave.; wants a green view from neighboring residential across 9th Ave.

[other]: thinks the building looks too garish, especially along Ninth Ave. Likes old building details and character instead. Wide sidewalk (along 9th?) needs to stay.

Phil Thiel: the building could implement similar colors as the existing buildings, and could employ a similar screen on 9th as on Roosevelt; happy about no drive on 9th Avenue; happy about preservation of through-block connection. Need to keep traffic off of 9th Ave. NE.

Mary Jo Ghirardo: this development will be the last nail in the coffin before the residential character of the neighborhood goes downhill; the neighborhood needs quiet, not noise; Roosevelt can handle loud colors, but 9th Avenue cannot; the proposed building is too big. Statement of building is too 'hectic'. New bldg is bigger and taller than existing development and will create a dark space.

Sue Alden: the proposed height is fine. It's not out of scale. It's not the height but the treatment of height that is key.

2nd DRB EDG: Public comments provided at the September 19, 2005 meeting include the following:

Sue Alden: Please explain access to the Fitness Center (explained). Don't worry about mitigating bulk and appearance toward 9th Ave; large-scale development is imminent for that block. I think the project design is very successful.

Neighbor (gentleman): The current courtyard trash arrangement is unsightly – move inside garage (yes – explained: dumpsters will be internal, location of existing transformer limits design. Garbage trucks will either be inside the garage dumpsters may be wheeled outside.) The design of the driveway turning radius needs to accommodate turning cars (explained: radius is widened compared with existing condition).

Phil Thiel: Preserving pedestrian access from 9th Ave. is great. Façade breaks down scale nicely; improve (reduce) scale difference between elevator tower and glass façade. New garage treatment successful. Building mass over entry courtyard 'almost convincing' – might just work if details reinforce whole. Horizontal stripes (mullions) break up scale. More horizontal emphasis is needed on the stair and tower to integrate these elements. There is still too much landscape design – take basic, minimalist approach. Providing good night illumination is critical in entry court. Overall job is "marvelous . . . I feel good about it."

Notice of Application: Additional public notice was provided (as required) at the time of the Master Use Permit application. The initial comment period ended on February 15, 2006 and was extended to March 1st, 2006 in response to a public request. One neighbor wrote to express concerns regarding the existing volume of traffic in the area. Mr. Thiel submitted written comments with additional detail regarding the concerns he expressed in the public meetings.

DRB Recommendation meeting: Six members of the public signed in to add their names to the mailing list for the project. Their comments follow:

There were questions about the garage along Ninth Ave. The architect clarified that an additional level of parking is being added with a railing. There is currently no garage access on Ninth and this is not changing. Public comment: "Looks great!"

Additional relief on the concrete stair was suggested to break up the massing.

The design team was cautioned about the potential for a 'claustrophobic' feel of mid-block passage, and asked to consider the lighting during the daytime as well as at night.

The memorial garden entry could be expanded, perhaps with an industrial sculpture in addition to the bronze plaque.

The entry court at Trader Joes' has room for considerable improvement with better lighting, special tiles, etc.

More attention to the lighting in the entry court was suggested, such as ceiling treatments, uplighting.

The Roosevelt façade lighting has a "Times Square" look, and could be very exciting with changing displays. This element was described as having 'over-the-top' potential and the project overall was described as "Being blessed with an excellent developer and design team."

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" available online and at DPD.

DESIGN GUIDELINES

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-2 Streetscape Compatibility

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The guidelines above were all chosen by the board to be high priority. The Board agrees with the architects preferred scheme as the better option. The Board wants more attention to the Ninth Avenue façade, improved pedestrian security in the entry court, better screening and increased activity at grade on Roosevelt, and an upgrade of the existing Trader Joe's entrance.

- The relationship to 9th avenue is a big concern; the Roosevelt elevation is good, but there needs to be different treatment on 9th, need to explore different solutions for Roosevelt and 9th Avenue to reflect the residential character – planting is preferable along 9th - each façade needs to be looked at individually.
- The massing of parking lot screen needs to be broken up.
- There needs to be a positive pedestrian experience at street level on all sides of building, provide comfort and break up the superblock on all sides.
- The blending of the pedestrian and car surfaces in the entry court is a good element, but the paths (in the entry court) must be separate and distinct. The structured parking entrance needs to be made clear, so that the driveway and pedestrian walkways are separate and safe.
- The entry to the pedestrian court needs to tip off the pedestrian at the sidewalk to pull people in.
- The bus stop needs to really work in all weather, needs seating as well as a canopy.
- The existing garage doesn't comply with design review guidelines – the area at grade should be transformed to be more street-related, such as retail or storefront – need to explore alternatives to the existing parking use at this location. Retail would be good.
- The project represents a missed opportunity for upgrading the Trader Joe's entrance (both for pedestrians and vehicles).
- The tripartite approach to block (the new building being a different character from the existing buildings to the north and south) is good, breaks up the superblock.
- The lobby should be on Roosevelt rather than in entry court – if not, then need simple, clear design.
- Proposed siting of lobby in entry court is fine, but Roosevelt building edge needs to be more pedestrian-friendly.

- A plate glass window with displays or something visually stimulating is preferable to garage screening (along Roosevelt).
- The design is exciting but the building will be difficult to see from a distance (based on the development density of the neighborhood); provide more interest and activity at grade.
- The design could relate more to existing materials and colors, pulling history forward into the present
- The Board feels that it's good that the team talked to the neighborhood before the EDG review.

B Height, Bulk and Scale

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.

The designer should provide further studies showing the relationship between the proposed façade design concepts along Ninth Avenue and the existing residences across Ninth Ave. to the west. It's very important that the design is sensitive to residential scale and character of the neighborhood, especially across Ninth Ave. The façade treatment that works on Roosevelt is not appropriate along Ninth Ave. The colors need to be toned down and plantings need to be emphasized along Ninth Ave.

C Architectural Elements and Materials

C-1 Architectural Context

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

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.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

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.

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 agreed that the preferred scheme is the most appropriate one, especially in light of the development of this scheme in consultation with the neighbors. But, the structure base and the tower should have a dialogue and need to be more integrated. There needs to be more of a focus on street level. The massing of the parking screen needs to be broken up to enhance the pedestrian experience at the street level. The designer should seriously consider adding some uses other than parking, at the street level, as well as alternative screening options. The structured parking entrance needs to be separate and safe from the pedestrian entrance. The shared courtyard is a good idea, but needs more careful examination of scale, details, cues at sidewalk entry, and better separation of cars and pedestrians to be safe. The Board liked the Roosevelt façade, but all of the facades need to be visually stimulating to pedestrians and cars on all sides. The facades need to be treated differently, with special attention to Ninth Ave., and nearby residential neighbors. Ninth Ave. side should be more reflective of existing colors and materials; needs to read as more than ‘the back of the building.’

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-5 Visual Impacts of Parking Structures

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board identified pedestrian security in the entry court as a big concern. The driveway should be widened for cars, and better separation of pedestrians and vehicles is needed. Mixing cars and pedestrians is a real challenge. The design details of the entry courtyard are key to ensuring a safe, inviting space. A recessed lobby could work, provided the opening at the street front is well designed. The Board wants to see a full-blown bus stop that really works, with a canopy, integrated leaning rails, seating and lighting, etc. The parking garage needs to be screened, and the designer should examine alternative methods for enhancing the existing street level parking, such as adding uses at the street level at this location.

E Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Landscaping should enhance the prior guidelines, by creating transition to neighboring properties along Ninth Avenue, softening edge conditions and by helping create a green streetscape all around the site. Landscaping should also be used along Roosevelt to enhance the courtyard entry design and provide separation of pedestrians and vehicles.

SECOND EARLY DESIGN GUIDANCE MEETING

At the second EDG meeting, the following design changes were proposed in response to previous Board comments:

Soften the transition to Ninth Avenue NE:

*By modifying the west building elevation to soften the transition to the residential neighborhood,
Adding plantings along Ninth Avenue NE, and
Softening (muting) the colors along western façade.*

Enhance the pedestrian experience along Roosevelt Way NE:

*By upgrading the Metro bus stop amenities, and
Adding canopies, benches, and potential retail.*

Simplify the entry courtyard and enhance pedestrian safety:

*By clarifying the courtyard plan through enhancing pedestrian and automobile separation by use of different paving materials and addition of curbs, a 'rumble strip' and low bollards, and,
Replacing heavy concrete stair with light metal to improve visibility.*

2ND EDG BOARD DELIBERATION

- The Board members stated that the overall simplification of entry court is good, but it still feels auto-oriented. The courtyard should be further simplified with the use of fewer different materials. The number of ‘sit-able’ planters should be maximized.
- The building entry canopy should extend to the street, perhaps in a transparent material that would allow natural light into the outdoor space.
- The new stair design is an improvement over the existing heavy concrete stair, creating an important link to the passage to Ninth Avenue through the site.
- The design needs to focus on the street level and the pedestrian scale. The coffee shop, newsstand, enhanced bus stop and improved entrance to the building all add pedestrian interest, but the applicant is encouraged to add even more retail along Roosevelt Way. The proposed retail, if not continuous, needs to feel more connected, perhaps with the extension of the bench or other elements. The canopy should be substantially continuous.
- All three board members agree that landscaping should better screen parking along 9th Avenue.
- The envelope of the stair/lobby tower needs work, esp. the detail of the south and west skin of the stair tower piece that wraps around.
- Uplight the garage ceiling – at night it could be the brightest surface, while during the daytime it might be the darkest surface. Uplight the 9th Avenue passage.
- Jamie Fisher: “This building will raise the bar in terms of architectural quality, but at the end of the day it will be judged by the public realm. The project lives or dies by the detailing of the assembly of the pieces.”

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on December 12, 2005. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on July 17, 2006, to review the project design and provide recommendations. The three Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. **The Board recommended conditional approval.**

The Board appreciated the design team’s response to their guidance. Specifically: the entry court was simplified and the landscape plan was revised; the entry canopy was extended and replaced with a

transparent material; and the entry stair design was revised using lighter materials (metal rather than concrete.) The benches and canopies along Roosevelt Way were expanded to connect the new retail uses and the METRO bus stop, and enhance pedestrian interest. Landscaping was added along Ninth Ave. to enhance screening of parking. The stair/lobby tower design continues to evolve. The color schemes were further explored. The garage ceiling will be uplighted in response to Board recommendations, and additional attention was given to the lighting scheme overall. A materials board was also presented.

The Board appreciated the additional retail space on Roosevelt, and recommended the retail (illustrated as a coffee shop and news stand) and canopies, leaning rail, and METRO benches be made a condition of approval of the project.

A night-time rendering of the project was presented at the Recommendation meeting for the first time. This rendering provided an example of how lighting could be used to create patterns in the perforated screen along Roosevelt. The lighting was described as “atmospheric” with both the twinkling lights in the screen wall and the uplighted trees. The Board and members of the public were all very excited about the night-time rendering, and the Board recommends that the concepts shown in it need to be maintained and strengthened.

The Board also noted that the lighting scheme is also key to the safety and quality of the pedestrian passage. The lighting and surface treatment will encourage the use of the pedestrian passageway.

The Board recommended further scoring of the stair tower, at a finer grain, to create shadow and relief. At present, it is still too blank. The relief should be subtle, however, to maintain the background character of the stair tower. The Board recommended the design team explore alternate surface treatments. It was also suggested that the design team explore the use of a different type of elevator if this would result in reduced tower height.

The new color schemes were well received, but the Board noted that too much use of black at the pedestrian level could be “unsettling.”

The Board was intrigued with the materials shown for the Roosevelt screen, and noted that the key to the success of the screen is in the skill of the detailing. One Board member expressed concern that the combination of materials, described as an “aluminum-angle-to-perforated-metal-screen” detail essentially could be a safety concern as it may invite climbing.

Board Recommended Conditions

1. The Board recommended further scoring of the stair tower, at a finer grain, to create shadow and relief, and the exploration of alternate surface treatments for the tower. (*C-4 Exterior Finish Materials.*)

2. The Board recommended avoidance of “too much use of black” at the pedestrian level. (*A-4 Human Activity; C-4 Exterior Finish Materials; D-5 Visual Impacts of Parking Structures.*)
3. The Board recommended that the lighting concepts shown in the night-time rendering of the project be maintained and strengthened, including the lighting in the screen wall and the up-lighted trees. (*A-4 Human Activity; C-2 Architectural Concept and Consistency; C-4 Exterior Finish Materials; D-5 Visual Impacts of Parking Structures.*)
4. The Board recommended the retail space proposed on Roosevelt (illustrated as a coffee shop and news stand) and canopies, leaning rail, and METRO benches should be made a condition of approval of the project. (*A-4 Human Activity; C-3 Human Scale; D-5 Visual Impacts of Parking Structures; D-7 Pedestrian Safety.*)
5. The Board recommended the lighting scheme and surface treatment the pedestrian passage-way be further developed, as it is key to the safety and quality of the pedestrian passage. (*A-4 Human Activity; D-7 Pedestrian Safety.*)

Director’s Analysis

The Design Review Board’s recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines. The Director concurs with the Board’s recommendation.

On December 13, 2006, the applicant submitted revised plans, including updated landscape plans, colored renderings of the eastern and western facades, and the night-time rendering shown at the July 2006 meeting.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 12, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant including “University Center: Transportation Impact Analysis” (The Transpo Group, December 2005), 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 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation*". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

With respect to the relationship to Neighborhood and Business District Plans, the Overview Policy states in SMC 23.05.665C1, "*New Plans. A plan approved subsequent to the passage of this chapter may serve as the basis of exercising substantive SEPA authority only to the extent that the provisions of the plan explicitly identify any of its elements intended to have application for SEPA purposes.*" The applicable Neighborhood Plan, the University Neighborhood Plan was adopted on November 16, 1998 subsequent to the SEPA ordinance and is considered the "adopted" neighborhood plan within the Seattle Comprehensive Plan.

The City also approved by resolution a work-plan matrix indicating the intent of the City concerning the implementation of specific recommendation from each neighborhood plan. Finally, the City recognized by resolution that each plan, as submitted to the City, constitutes the continuing vision and desires of the community. The recognized neighborhood plans, however, have not been adopted as City policy.

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; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction 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 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. Puget Sound Clean Air Agency (PSCAA) 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.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with noise, construction traffic and parking warrant further discussion.

Noise

The project is expected to generate loud noise during construction. This impact would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with retail, restaurant, and housing uses and will be impacted by construction noise. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. Pursuant to SEPA authority, the applicant will be required to limit periods of construction to between the hours of 7:00 AM to 6:00 PM on non-holiday weekdays.

To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 6:00 PM on a contingent basis. Allowing Saturday construction activity will be contingent on an approved mitigation program for the duration of construction. A mitigation program proposal must be submitted by the responsible party and approved by DPD. The program elements must consist of the following:

- Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 6:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
- Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.
- Creation of a procedure for hearing neighbor complaints and concerns (providing available project contact persons at the site and by phone during construction hours with a designated contact person and phone number for this purpose, etc.) and providing affected neighbors with a construction schedule in advance of such work.
- The approved plan shall be available or posted at the site for the duration of construction.

DPD may disallow Saturday construction if the mitigation program is not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

Traffic and Circulation

Excavation and grading associated with construction is expected to be relatively minor since the proposed building and parking structure is designed to be constructed almost entirely above the existing parking garage. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates certain times of day when truck traffic is allowed on certain streets and designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the

city. The proposal site abuts an arterial street (Roosevelt Way NE), is near a major truck route (Interstate 5), and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Construction Worker and Temporary Displacement of Parking

The supply of street parking in the vicinity is limited and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Construction workers will likely need to carpool, bus or park in off-site pay parking lots and this is encouraged. In addition, it is likely that the construction of the new structure above the existing parking garage will require temporary closure of portions of the existing parking garage. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles and temporarily displaced garage users may be adverse. In order to minimize adverse parking impacts, the applicant will be required to develop a Construction Parking Management Plan addressing these impacts to be submitted to DPD for approval, prior to the issuance of the construction permit. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: 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; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

The proposed 6-story project will be located in a Neighborhood Commercial 3 with an 85 foot height limit (NC3-85). The remainder of the block (north and south of the subject site) and the zoning along Roosevelt Way NE east of the site is also NC3-85'. Along Ninth Avenue NE, the zoning changes to Midrise Multifamily Residential with a 60-foot height limit (MR) on the north half of the block and NC3-65' on the south half of the block. North of NE 47th Street the zoning includes Lowrise 1 Multifamily

Residential (L1), Lowrise/Duplex/Triplex (LDT), and NC3-65'. South of NE 45th street the zoning is Commercial 1 with a sixty-five-foot height limit (C1-65').

There is no area of less intense zoning abutting the subject site, no unusual topographic features and it is not a large site in comparison to the prevalent pattern. The western half of the subject site is proposed to be developed with one additional level of parking above the existing parking structure. The parking level will be screened with a guard rail and perforated screening. The height of the new parking level will be less than 20 feet above grade along the western façade at Ninth Ave. NE. This reduction in height from the six-story office structure proposed for the eastern half of the site will provide a major transition in height and scale for the MR zone across Ninth Ave. NE to the west.

In addition, the SEPA Height, Bulk and Scale Policy states that *“(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.”*

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. The height, bulk and scale issues have been addressed during the Design Review process in the design of this commercial project in an NC3-85' zone. Additionally, design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Traffic

The applicant submitted a Traffic Impact Analysis (TIA) dated December 2005 prepared by The Transpo Group which is available in the Master Use Permit file at DPD.

It was determined that the study intersections include the following intersections;

- NE 45th Street/I-5 Southbound Ramps
- NE 45th Street/ I-5 Northbound Ramps
- NE 45th Street / 9th Avenue NE
- NE 45th Street/Roosevelt Way NE
- NE 45th Street/11th Avenue NE
- NE 45th Street/15th Avenue NE
- NE 47th Street/9thAvenue NE
- NE 47th Street/ Roosevelt Way NE

The analysis includes examination of existing and future traffic conditions without the proposed project. Future with-project conditions are evaluated and project-generated impacts applied to the study intersections. Traffic safety, transit and concurrency are also examined.

To represent the worst case, PM peak hour conditions were utilized since this represents the highest traffic volumes on the adjacent street system. The future traffic volumes were estimated by multiplying existing traffic volumes by an average annual growth rate of 1 percent and adding traffic generated by three pipeline projects.

Recent accident records were reviewed at study intersections to document existing traffic safety issues. The analysis found that no study intersections are classified as high accident intersections. It is not anticipated that project trips would change this assessment.

The site has excellent transit service with numerous routes operated by King County Metro. Transit service currently operating in the area is expected to accommodate any anticipated increase in ridership demand due to the proposed project. The existing transit stops and routes in the immediate area should provide adequate transit access for patrons of the project site. The project proposes to integrate the existing Metro transit stop on Roosevelt Way NE into the building design and improve the shelter design.

Trip generation estimates for the proposed project were calculated based on the projects size and average PM peak hour trip rates for general office as published by the Institute of Transportation Engineers (ITE) in Trip Generation (7th Edition, 2003). However, ITE trip rates are based on trip generation studies conducted in primarily suburban areas with high vehicular mode splits, higher than what would be expected for Seattle's University District neighborhood. This is especially true given the existing transit opportunities in the area, the site's proximity to the University of Washington, and the nearby location of Sound Transit's proposed North Link light rail Brooklyn Station. In light of that, ITE vehicle trip rates were converted to person trips and then reallocated to each travel mode based on local information. Using this methodology, it is estimated that there will be an additional sixty (60) PM peak hour trips generated by the proposed project. (See Table 5, page 14 of the TIA cited above.)

The trip generation estimates were then distributed and assigned to the study intersections to determine the project's impact on the Level of Service (LOS) at each study intersection. (see Table 6, page 15 of the TIA cited above.) The percent of traffic volume impacts at the study intersections listed above range from less than 1 percent to 2.6 percent. Traffic volumes fluctuate on a daily basis by as much as 5 percent, so a 2.6 percent increase would not be noticeable to the average driver.

As shown in Table 7, page 18 of the TIA, all the study intersections would operate at the same Level of Service (LOS) with or without increases in traffic attributable to the proposed project (LOS D or better.) The proposed project would have minimal impact to the operations at the study intersections during the weekday PM peak hour, with increases in average vehicle delay of less than one second. This analysis demonstrates the project would have little effect on intersection LOS operations, which suggests the project would have little effect on traffic progression within the NE 45th Street corridor.

Parking

The TIA prepared by The Transpo Group also examined the project parking supply as compared to the project parking demand. The proposed project will provide additional parking for 30 vehicles for a total of 208 parking spaces for the project site. The parking will be available for shared use by all the tenants on-site. The 30 parking stalls provided will meet the minimum code requirement for the project.

On-site parking demand with the proposed project was calculated by combining existing parking demand, estimated parking demand associated with existing and vacant space on-site, and calculated demand for the proposed project. Weekday peak period parking demand was estimated using rates provided in ITE Parking Generation (3rd Edition) for the “office” land use (LU #710) and “retail” land use (LU#820).

Peak parking demand for the office component was estimated with the anticipated mode split of 70 percent vehicular and 30 percent transit and non-motorized modes in an unmitigated condition, without implementation of a Transportation Management Program (TMP). Accordingly, the proposed office space would likely generate a peak parking demand of 222 to 238 parking stalls, depending on the day of the week. (See Table 11, page 21 of the TIA cited above.) This suggests there would be an overall overspill of between 14 and 30 vehicles during the midday hours, unless effort was made to reduce parking demand.

The anticipated parking deficit could be mitigated through the implementation of a Transportation Management Program (TMP). A successful TMP would reduce single occupant-vehicle (SOV) travel during peak morning and afternoon periods, effectively reducing mid-day parking demand. The program would have the most positive effect on the office component since this component generates the greatest parking demand during the mid-day hours. A common goal for a TMP in this neighborhood of Seattle is to reduce SOV travel to no more than 50 percent of all modes. As shown in Table 12 of the TIA, using Monday and Wednesday as representatives, parking demand would be accommodated within the proposed supply on a typical weekday with a TMP in place. On Fridays, when theater and other uses on-site generate a higher than average amount of parking, on-site demand would exceed supply by a maximum of 10 stalls for roughly one hour of the day (3-4 PM). A parking utilization study has shown that there are 12 public parking lots within 800 feet or less of the site. The study showed that there are as many as 160 vacant stalls available on Fridays. Thus, through the implementation of a TMP with an SOV goal of 50 percent, no adverse impact is anticipated. Implementation of a TMP will be a condition of the project.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

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 - DESIGN REVIEW

Prior to Building Permit Issuance

1. The applicant should further score the stair tower, at a finer grain, to create shadow and relief, and explore alternate surface treatments for the tower.
2. The applicant should minimize the use of the color black at the pedestrian level exterior facades along Roosevelt Way NE.
3. The lighting scheme and surface treatment of the pedestrian passageway must be further developed, as it is key to the safety and quality of the pedestrian passage.

Prior to the Final Certificate of Occupancy

4. Install the features and/or provide applicable documents demonstrating compliance with above conditions.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During Construction

5. All changes to approved plans with respect to the exterior façade of the building, including lighting and street level uses, and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

6. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Molly Hurley- 206-684-8278) or by a Land Use

Planner Supervisor (Cheryl Waldman – 206-233-3861). Inspection appointments must be made at least 3 working days in advance of the inspection.

For the Life of the Project

7. The lighting concepts shown in the night-time rendering of the project must be maintained, including the lighting in the screen wall and the up-lighted trees.
8. The retail space proposed on Roosevelt (illustrated as a coffee shop and news stand) and canopies, leaning rail, and METRO benches must be included in the final project design.

CONDITIONS SEPA

Prior to Issuance of Master Use Permit

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

1. Provide a recorded TMP Acknowledgment Letter stating their understanding of the TMP goal, potential required elements and evaluation criteria pursuant to Director's Rule 14-2002.

Prior to Issuance of the Construction Permit

2. To mitigate noise on Saturday, a draft mitigation program proposal must be submitted by the responsible party(ies) and approved by DPD. A final mitigation program must be approved prior to commencement of work. The program elements must consist of the following:
 - Construction activities which generate the loudest noise shall be performed during the non-holiday weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 6:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
 - Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.
 - Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
 - The approved plan shall be available and/or posted at the site for the duration of construction.
3. Record Transportation Management Program (TMP) consistent with and including the Required Elements as described in DPD Director's Rule 14-2002 and include the following elements:
 - Program Goal: The proportion of employee trips by single occupancy vehicles (SOV) shall not exceed 50% of the trips within five years of occupancy.

- Implement the Element Requirements as determined by DPD (Based on Director's Rule 14-2002).
- 4. Provide a Construction Parking Management Plan to DPD for approval, in order to mitigate adverse impacts associated with the temporary demand for on-street parking in the vicinity due to construction workers' vehicles and temporarily displaced garage users.

During 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.

- 5. To mitigate construction noise, the hours of construction activity shall be limited to weekdays between the hours of 7:00 a.m. and 6:00 p.m. To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 6:00 PM on a contingent basis. Allowing Saturday construction activity will be contingent on an approved mitigation program for the duration of construction. DPD may disallow Saturday construction if the required mitigation program does not sufficiently mitigate construction impacts on Saturdays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
- 6. Implement the Construction Parking Management Plan required above.

Signature: _____ (signature on file) _____ Date: February 8, 2007
Molly Hurley, Senior Land Use Planner
Department of Planning and Development