



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

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

Application Number: 3004270

Applicant: Corinne Kerr for Great Northern Land Company, LLC.

Address of Proposal: 324 Northeast 45th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for the future construction of a four-story building containing 2,667 square feet of customer service office at and above ground level, and 10 residential units on levels two through four. Accessory parking for 11 vehicles will be provided within the proposed structure at ground level, accessed off the alley. Existing structure will be demolished under a separate permit.¹

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC)

1. 80% Street Frontage occupied by nonresidential use 23.47.008.B.5
2. Setback for mixed use developments across the alley from a residentially zone lot 23.47.014B.4.b
3. Open space quantity 23.47.024.A
4. Setback for specific uses 23.47.014.F.3
5. Screening & landscaping when parking within a structure 23.47.016.D.2.a

SEPA-Threshold Determination (Chapter 25.05 SMC).

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

**Early Notice DNS published August 17, 2006.

¹ Originally the project description identified the establishment of a retail use as opposed to customer service office.

SITE BACKGROUND INFORMATION:

Site Description

The development site is a corner lot that occupies a total land area of approximately 5,720 square feet, in the Wallingford neighborhood. The site is rectangular in shape with frontages along; Northeast 45th Street to the south, 4th Avenue Northeast to the east, and a platted alley running parallel to 45th to the north. The site is located within a Neighborhood Commercial Three zone, with a height limit of forty feet (NC3P-40). Additionally, the site is within the Wallingford Residential Urban Village, and Pedestrian Two Overlay District (P2).

The subject site slopes upward, approximately 4 - 6 feet from 45th Avenue to the alley. The site is currently developed with a two-story commercial structure oriented towards NE 45th Street. The existing structure occupies an area encompassing approximately 1,000 square feet (50 feet width, 20 feet depth), with the remaining site serving as accessory surface parking. Minor landscaping is present along the 4th Avenue street frontage. All street rights-of-way are fully developed streets with asphalt roadway; curbs, sidewalks and gutters. NE 45th Street is a primary arterial street abutting the subject site. The site is served by Metro bus routes 26, 44, and 67. NE 45th Street is a primary arterial connecting surrounding residential neighborhoods from University District to the west and Ballard to the west.



The site is not located in any identified or designated Environmentally Critical Area (ECA), but is located in Wallingford Neighborhood Design Guidelines area.

Area Development

The site is within one block west of Interstate Five (I-5), with views of Downtown towards the south, and University of Washington to the east. Located one block to the east is Interstate Five (I-5)'s on and off-ramps that creates heavy traffic volumes within this area of 45th Street. The neighborhood features an array of older residential and commercial structures with the encroachment of newer mixed-use developments extending up to the full zoned height limits further west. Across 4th Avenue NE, to the east, is a recently renovated mixed use three-story structure (Office Max at street level) that dominates the streetscape in this area due in part to its size and area's topography. Zoning at the site and along this strip of NE 45th Street is Neighborhood Commercial Three zone, with a forty (forty) foot height limit (NC3P-40) within an Urban Village Residential Zone Overlay. This zoning band extends approximately 150 feet on either side of NE 45th Street (centerline). To the west across Latona Avenue NE, along NE 45th, the commercial zone becomes slightly less intensive with a zoning designation of (NC2P-40). Zoning becomes less intensive to the north with the inclusion of Multifamily Lowrise One Residential Commercial (L1 R/C) and Single Family 5,000 (SF 5000) zones. The L1 zone abuts the centerline of the alley that provides a buffer to the SF 5000 zone which is located further north. Modest Turn of the Century multi-family and single family structures are prevalent in this area. A social landmark (Dick's Drive-in restaurant) is located within two block of the development site. The Wallingford neighborhood is undergoing a transformation with the number of new construction activity. Central to Wallingford's commercial revitalization is the pedestrian experience along NE 45th Street, is a busy commercial corridor where presently vehicles and pedestrians traffic coexist well.

Proposal Description:

The applicant proposes to construct a four-story mixed-use building at the northwest corner of NE 45th Street and 4th Avenue NE that is currently occupied by a two-story commercial building. The stated goal is to construct a four-story building that contains commercial offices for the property owner (Great Northern Land Company, LLC), and residential use. Ten residential units are proposed above approximately 2,667 square feet of commercial use. An accessory parking garage will be located at grade, accessed off the alley, and will accommodate eleven (11) vehicles. Special emphases will be directed towards providing an attractive and inviting pedestrian experience within both NE 45th and 4th Avenue rights-of-way.

The design objectives include strengthening the corner with distinctive features and/or uses to make a bold statement primarily along the NE 45th Street and 4th Avenue Street frontages. The project will seek to enhance the robust pedestrian activity along NE 45th Street frontages; while softening up the street level façade along the residentially oriented east facade (4th Avenue). Exterior façade materials along the street frontage will include brick, metal siding, and glazing, with architectural concrete and metal mesh screening along a portion of the east facade of 4th Avenue. The storefront window system includes structural support to accommodate overhead weather protection canopies to frame the commercial use. At least two commercial entries are proposed along NE 45th Street. With a single residential entry to the units above accessed off the 4th Avenue, set within a glazed vertical glass tower. Residential open space will be set on a second story deck, oriented in a manner to protect against noise and dust from vehicle activity in the surrounding area.

The following Design Review departures were identified during the recommendation meeting from the Land Use development standards: nonresidential 80% street frontage width per SMC 23.47.008.B; Setback for mixed use developments across the alley from a residentially zone lot SMC 23.47.014B.4.b; open space quantity per SMC 23.47.024.A; Setback for specific uses SMC 23.47.014.F.3; and screening & landscaping requirements for specific uses SMC 23.47.016.D.2.a.

Public Comment:

Date of Notice of Application:	August 17, 2006
Date End of Comment Period:	August 30, 2006
# Letters	0
Issues:	

The SEPA comment period for this proposal ended on August 30, 2005. The Department received no comment letters during the public comment period. One letter was received during the early design guidance phase, and addressed concerns surrounding lack of available on-street parking.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

On May 15, 2006, the Design Review Board of Area 2 met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comment the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "Design Review: Guidelines for Multifamily & Commercial Buildings" and "Wallingford Neighborhood Design Guidelines" of highest priority to this project.

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-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

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.

A-9 Location of parking on commercial street fronts

Parking on commercial street front should be minimized and where possible, parking should be located behind a building.

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 told the developer to activate the streetscape wherever possible and scale the design to integrate itself into the site with its two street frontages; Northeast 45th Street and 4th Avenue Northeast.

- The design should also explore design options that establish readable commercial entry points along NE 45th that are distinctive and attractive.
- The location and quality of the residential open space should be considered as a high value element and should serve the needs of its residential inhabitants.
- The design should optimize natural light into the proposed interior courtyard by stepping back the upper level.

- Site should be treated as a gateway entrance to Wallingford and as such the façade should employ materials associated with the historic neighborhood.
- The proposal should pay attention to the corner by establishing a strong presence. Consider beveling the corner or portion of it.
- Be sensitive to the adjacent structures along NE 45th Street, in design and scale.

B 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 nearby, less-intensive zones.

- Establish a powerful mass at the corner of NE 45th and 4th while holding a less intrusive presence to the west and north.

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 distinguishable 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.

- The applicant should consider installing glazing at the front of columns.
- The NE 45th Street frontage should be treated like an accent wall, with flourishes to dress up the exterior wall.
- Treat the residential entry as a gasket that establishes greater variation in a smaller scaled design to enhance the readability of the residential use.
- Overhead weather protection, signage, and bright colors should be incorporated to establish greater visual excitement.

D Pedestrian Environment

D-1 Pedestrian Open Space and Entrances

Convenient and attractive access to the building's entry should be provided.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks.

D-5 Visual Impacts of Parking Structure

The visibility of all at-grade parking structures or accessory parking garages should be minimized.

D-7 Pedestrian Safety

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

- Landscaping along 4th Avenue frontage should obscure the parking level behind and provide a strong counterpoint to adjacent structure to the east.

E Landscaping

E-1 Landscaping to Reduce 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 Landscaping 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.

- See above comment.
- Japanese Maple in the 4th Avenue right-of-way should be saved, if possible.
- Study feasibility of providing landscaping elements within NE 45th ROW.

The Board supported the preferred conceptual scheme, but requested the design team worked through development of design elements for the building's southeast corner that establish a bold statement without being overbearing at street level. They were instructed to include color and shadowed elevation drawings and landscape/site plan illustrating the visual and textural design elements of the proposed building upon the internal open space, and street front. The east façade appeared underdeveloped in the portion housing the street level parking, creating a wall segment that was incongruous to the residential orientation of 4th Avenue. The Board requested additional studies to green up the east façade to obscure the activities behind the wall, and scale its mass down. Additionally, the Board requested a well developed landscape plan for the entire development site.

Summary: The guidance of the Board reflected their concern as to how the proposed project would be integrated into a neighborhood in transition.

Design Review Board Recommendations

On July 21, 2006, the applicant submitted the full Master Use Permit application, and on January 8, 2007, the Northeast Design Review Board (Area 2) convened for the recommendation meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meetings. The applicant requested five development departures from the City's Land Use Code:

- 80% Street Frontage occupied by nonresidential use 23.47.008.B.5
- Setback for mixed use developments across the alley from a residentially zone lot 23.47.014B.4.b
- Open space quantity 23.47.024.A
- Setback for specific uses 23.47.014.F.3
- Screening & landscaping when parking within a structure 23.47.016.D.2.a

Architect's Presentation:

Philip Christofides, principal, Corinne Kerr, architect, both with Arellano / Christofides, shared presentation responsibilities. They opened with an overview of the project's history and then proceeded to site context analysis. Where possible an emphasis would be placed on establishing a strong commercial street presence along NE 45th while respecting adjacent structures. The upper level will feature be an inverted "L"-shaped building mass to accommodate an open space courtyard at the second level, with residential decks over looking the courtyard. Owing in part to the amount of activity along the transportation corridors, residential amenity areas have been protected from out side noise and dusk to the greatest extent possible. A number of changes have been made in response to comments from the Board and public, including scaling the façade to better meet Wallingford's architectural character and reapportioning landscaping in the residential open space area and along 4th Avenue. The design team used a scale model, presentation boards, and 11 x 17 colored packets to describe the design response.

1. Gateway entrance to Wallingford: The development site is a corner lot that is located at a prominent intersection. The proposed building presents an opportunity to establish a strong corner expression of masonry columns surrounding storefront windows at street level along 45th Avenue. On the upper level a panel brick system will be used along with small decks to help to give greater articulation to the façade. The building is sculpted to enliven the street with scaled materials and elements in keeping with Wallingford's architectural character. The building establishes an invigorated design that takes advantage of architectural styles found within the heart of Wallingford as one moves along NE 45th.
2. South façade detail: Vertical masonry columns surrounding large storefront windows at street level have been deployed reminiscent of more traditionally moderate scaled commercial buildings found in the neighborhood. After exploring color and material palettes in the area, the design intent is to be sensitive to neighboring structures with modern flourishes. Overhead canopies will be installed at the first floor level to punctuate the commercial use at street level. A steel fascia will provide a gasket separating the residential use on the upper two levels from the commercial use below. Residential units would have sliding doors leading to shallow deck with metal railings to open up units to the outdoors. Visual interest will be enhanced with painted metal horizontal siding, metal rails, brick, and concrete.

3. Establish a strong corner presence: The proposed design sets to hold its own at the northwest corner of NE 45th and 4th Avenue, with the larger scaled mixed-use building (Cosmopolitan Apartment/Office Max) to the east, across 4th Avenue. Through manipulation of the spatial arrangement of the upper level, façade detailing, and landscaping the proposed four-story building distinguishes itself with a fine detail form that creates visual interest. The updated design proposes both street facades to read as front elevations. The corner will be designed to accommodate a notched (or chamfered) commercial entry at the corner, if the tenant desires in the future.
4. Location and quality of the open space shall be considered a high value element: The architect presented a residential open space plan that included a common outdoor courtyard located on a second floor roof deck, with residential balconies overlooking the courtyard on the two levels above. The residential open space has been designed to shield noise and dust originating from NE 45th and I-5. The mass of the upper level is loaded towards to south and east and extends two-stories to create an inverted “L”-shape. Landscaping in the open space would be provided along the west perimeter of the roof deck and within centrally located planter boxes and benches. Japanese Maples will be introduced in the courtyard to reinforce the connection the landscaping at street level. The applicant is proposing to reduce the amount of required open space by approximately 2.7%, representing a reduction to 18.3% from the required amount of 20%.
5. Detailed colored landscape plan: Provided.
6. Enhanced landscaping along 4th Avenue to create green streetscape: The applicant proposes to install an attractive view obscuring metal screen with landscaping between the sidewalk and structure. When mature, the plants are intended to blanket the façade with a green wall. Within the right-of-way additional landscaping will be planted to green-up and enhance the pedestrian experience. The applicant proposes to reduce the required setback for street level parking from five feet to three feet, and increase the density of the landscaping in the setback area.

Public Comments

No community members were in attendance during the January 8, 2007, Final Recommendation meeting.

Board Discussion

After considering design plan, project context, and reconsidering the previously stated priorities, the Board began their deliberations by providing a general assessment of the project proposal and its impact on the neighborhood. Ensuring an elegantly detailed building at the development site is a critical factor in successfully integrating the project into the existing neighborhood fabric. The design team should incorporate measures to establish a visually strong presence at the intersection that is currently dominated by the building located at the northeast corner (Office Max). Attention to enhancing the streetscape’s vitality with amenities is important, especially adjacent to the parking level. Wallingford Design Guidelines should be followed to activate the streetscape. The Board supports and encourages the chamfered corner at street level to open up the street front.

Discussion ensued among the Board that included the design of the “boned” building which appears to successfully reinvent older styled buildings with updated modern flourishes. The project is well designed and conceived with minor lapses in attention, in particular to a portion of the west façade and street level landscaping. The Board members were impressed with the understated color and materials palette and shared their appreciation for taking steps to integrate a design that is compatible with the Wallingford Neighborhood Plan. Several areas of concern were identified to be resolved with DPD. **The Board felt their suggested design improvements did not warrant another meeting, but instead the assigned planner would be entrusted to finalize design details prior to issuing a MUP permit. The Board recommended that the applicant should pull back and chamfer the street level commercial corner. The structural column should stay in place to anchor the upper level to the base.** (*Guidelines A-1, A-2, A-3, A-4, B-1, C-1, C-3, C-4, & D-1*)

The Board was encouraged with the applicant’s effort to better integrate a design vocabulary among the architectural design themes, materials, and color. At the Recommendation meeting, the Board agreed that the proposed structure is compatible with the surrounding buildings and takes cues from buildings in the area while maintaining sensitivity to the abutting structures. A more readable commercial frontage at street level is needed along NE 45th Street to encourage human activity on the street. Signage, entries doors, and storefront windows should be well detailed and accentuated to establish a stronger presence. Therefore, **the Board recommended that the applicant provide detailed colored drawings, including “low key” signage detail shall be included within the plan set to document street level presence.**

The Board would like careful attention directed towards creating a more pronounced and vibrant visual presence on the west façade near NE 45th Street. The proximity of the adjacent structure to the west allows for exposure of the proposal’s west façade for a significant length into the property. The exposed blank façade creates a solid wall surface with no visual interest which inadvertently has resulted in a diminishment, to what should otherwise invoke a celebratory presence. The Board also agreed that this portion of the exposed wall should provide opportunities to carry the design and materials around from the NE 45th street frontage. The visually exposed portion of the west façade at the southwest corner shall introduce moderately designed textures to soften the exterior wall. At the commercial level, the brick detail should wrap around to the west façade. On the upper level some consideration to create a more interesting and welcoming façade is encouraged on the west facade near the southwest corner. A green trellis trailing down may achieve the desired look. **The Board recommended that the applicant should carry through design detailing upon the west facade to create a greater synergy with the neighboring uses. The west façade located near NE 45th Street should be redesigned with grander scale.** (*Guidelines C-1, C-2, C-4, D-2, & E-2*)

The Board agreed that the use of columns, steel fascia, glazing, brick and metal panels along the street facades adequately reinforced the scale of building at the development site, both strengthening the horizontal lines and deemphasizing the scale of the larger building across 4th Avenue. The large translucent stair tower situated between the commercial and parking level that extends the full height of the building serving as a gasket, provides a dramatic statement at the street edge. **The Board was very supportive of the proposed translucent stair tower visible to the street on 4th Avenue NE and encourages the applicant to work with DPD to maintain the glass curtain wall. The Board would also like to see architectural joints gasketed and revealed to help create a more pronounced and visually interesting façade on both street facades.** (*Guidelines A-1, A-3, C-1, C-2, C-4, & D-1*)

The landscape design includes placement of on-site perimeter plants, and street trees along the 4th Avenue NE street frontage. NE 45th has limited linear frontage to accommodate street trees. The open space courtyard will be landscaped with approximately six trees with dense shrubbery to create an urban garden experience for building residents accessible on all floors. The interior courtyard located above the parking level will be open to the sky, with at least two access points. The residential floors above will have windows placed along the corridors and in some cases several units will have direct views into the courtyard below. The trees were specifically chosen to create a landscape theme composition to unify the courtyard to the street trees placed in the right-of-way. (*Guideline A-7, E-2*) Street level landscaping has been incorporated to frame the building to provide visual contrast to a modernist styled facade, with strong vertical elements to enhance the pedestrian corridor. The Board was not completely satisfied with landscaping adjacent to the parking level; this area needing additional refinement. Landscaping elements should be considered to create a green screening wall to soften the facade to provide a pedestrian friendly buffer between the building and the property line adjacent to 4th Avenue. (*Guidelines A-8, A-9, D-5, E-1 & E-2*) **The Board recommended that the applicant use quality materials, greening up and soften the street level façade along 4th Avenue.**

Departure Analysis

1. To allow reduction in the amount of *Nonresidential 80% Street Frontage (SMC 23.47.008.B.5)*

Where a lot fronts on two or more streets and only abuts lots which are zoned commercial, all street frontages shall be calculated to determine required nonresidential use. Street front façade requirements shall be calculated by totaling the combined street front facades (52 feet, plus 110 feet, equals 162 feet, minus 3.125 feet, equals 161.687, times 80 percent equals 129.35 feet). The eighty percent nonresidential use requirement would therefore be 129.35 feet. The Board has concurred with the applicants desire to treat 4th Avenue as a residentially oriented street and limit nonresidential use, which has resulted in a development standard departure request of 82.0 feet or 50.1% of street level nonresidential use presence. The commercial use will extend 30 feet from the intersection of NE 45th and 4th Avenue which is appropriate for the activity and function of 4th Avenue. Other than the mixed use building, with Office Max located at street level, located across 4th Avenue, this street has a distinct residential feel. The proposal will feature an active pedestrian experience for each type of use along both frontages. During the recommendation meeting, the Board enthusiastically supported a reduction to 82.0 feet or 50.1%. (*Design Guidelines: A-1, A-3, A-4, A-9, B-1, C-1 & D-7*)

2. To allow decrease in the *Setback for Mixed-use Developments across the Alley from a Residentially Zoned Lot (SMC 23.47.014.B.4.b)*

In mixed use developments, a building's footprint above 13 feet from finished grade shall be setback 15 feet from the centerline of the alley. The development proposal will require the owner to dedicate 3 feet 1^{1/2} inches to the City for alley improvements. Due to a required 3' 1^{1/2}" alley dedication the centerline of the alley shifts towards the development site when calculating required setbacks, which has resulted in a 13.45 foot setback request. If the setback was measured from the original alley centerline there would not be a development departure request, because the proposal would be conforming. As the Code is currently interpreted the measurement technique creates the nonconforming status. When the property across the alley is redeveloped the centerline of the alley will shift back to its original location, thus bringing the development back in conformance. The Board being fully aware of the development standards accepted and approved the requested setback of 13.45 feet. (*Design Guidelines: A-2, B-1, C-3, C-4 & E-1*)

3. To allow reduction in *Open Space* quantity (SMC 23.47.024.A)

Required residential open space is based on a percentage (20%) of the gross floor area dedicated to residential use. Additionally, depending on location, at or above grade, open spaces shall have minimum area and horizontal requirements. In this instance the applicant has proposed 8,556 square feet dedicated to residential use, which in turn would require 1,711 square feet of open space. The applicant has proposed 18.3% or 1,566 square feet for residential open space. This represents an open space shortfall of approximately 145 sq. ft. Open space provides opportunities for residential dwellers to experience the outdoors in a secured environment. The applicant has successfully argued that each unit is afforded operable windows with views outdoors. Additionally, the common courtyard deck open space has been designed to visually create a sense of calm from a number of vantage points, and to encourage social interaction with window facing units and amenities to activate use. (*Design Guidelines: A-7, C-3, D-7, & E-2*)

4. To allow alternatives to *Setback for Specific Uses* (SMC 23.47.014.F.3)

Parking located within a structure occupying the street level frontage shall be setback at least five (5) feet from all street lot lines. The applicant acknowledges that the rectangle geometry of the site presents challenges to maximize available on-site parking. Parking stalls will be distributed on one level with direct access to the alley. The required number of parking stalls poses design challenges which has impacted parking layout in the garage. The request is to reduce the setback to 3 feet to allow a parking plan that efficiently arrays vehicles within the parking level. Stall dimensions and aisle widths have not been compromised to reduce potential conflicts within a small enclosure area. Though the setback reduction of two feet represents 40% of the setback area affected by this request, it will have a significant positive impact by allowing code required vehicles to maneuver efficiently within the parking area. The benefit to accommodate on-site parking outweighs any minor inconvenience in the reduction in the street level setback area, so long as the parking area is properly screened. The sidewalk is setback two feet from the property line and the applicants has proposed to integrate this area into the required setback to create a combined width of 5 feet. Lush landscaping will be installed thus achieving the intent of the Code. The Board felt that the design objectives expressed during EDG were achieved in the proposed design. (*Design Guidelines: A-2, A-8, C-3, C-4, D-5, D-7, E-1, & E-2*)

5. To allow alternatives to *Screening and Landscaping* standards (SMC 23.47.016.D.2.a).

When parking occupies any portion of the street-level frontage of a structure between a height of five feet and eight feet above sidewalk grade, a five foot setback shall be provided. Additionally, the setback area shall be landscaped. The building is pushed out to be within three feet of the property line where parking and access is located. The applicant would like the area in front of the building's façade where parking is located to be visually engaging with lush screening that includes a metal screen device and vegetation. The Board supported a design that efficiently deployed parking within the structure and maximized nonresidential presence along 4th Avenue. Owing in part to the graphic boards presented at the recommendation meeting, the Board recommended approval of the depth reduction of on-site landscaping with the understanding that additional measures to soften and green-up the street-level façade will need to be work out with the assigned planner. (*Design Guidelines: A-2, A-8, C-3, C-4, D-5, D-7, E-1, & E-2*)

The four Board members present recommended that the design should be approved with the refinements noted to be worked out with DPD. In particular, the street level the southeast corner should be chamfered, the west façade wall should provide greater detailing carrying through design elements from the 45th street frontage, and the landscaped area abutting the parking level should be increase to screen vehicle activity from the pedestrian experience. The Board also recommends approval of all the requested departures as stated in the departure matrix. Thus, the project should move forward as designed.

The following departures were requested and approved at the January 8, 2007 Recommendation meeting:

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Applicant rationale</i>	<i>Recommendation by Board</i>
<i>1. 80% Street Frontage occupied by nonresidential use. 23.47.008.B.5</i>	<i>Street front façade requirement shall be calculated by totaling the combined street front facades. 52' + 110' = 162'- 3.125' = 161.687 X .80 = 129.35'</i>	<i>82.0' or 50.1%</i>	<i>Due in part to the residential nature of 4th Avenue and the dominant commercial presence along NE 45th the commercial has been loaded to the south. With the exception of Office Max at the corner of 4th and 45th fourth Avenue functions as a distinctly residential street front.</i>	<i>▪ Approved (Design Guidelines: A-1, A-3, A-4, A-9, B-1, C-1 & D-7)</i>
<i>2. Setback for mixed use developments across the alley from a residentially zone lot. 23.47.014B.4.b</i>	<i>Above 13 feet from finished grad, the structure shall be setback 15 feet from the centerline of the alley.</i>	<i>Approximately 13.45'</i>	<i>Due to a required 3' 1^{1/2}" alley dedication the centerline of the alley shifts towards the development site. When the property across the alley is redeveloped the centerline of the alley will shift back to its original location, thus bringing the development back in conformance.</i>	<i>▪ Approved (Design Guidelines: A-2, B-1, C-3, C-4 & E-1)</i>

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Applicant rationale</i>	<i>Recommendation by Board</i>
<i>3. Open space quantity. 23.47.024.A</i>	<i>Usable open space shall be equal in amount to 20% of all residential uses. Equals 1,711 sq. ft (8,556 sq. ft. x .20)</i>	<i>18.3% (1,566/8,556 = .1830)</i>	<i>Above the courtyard open space deck exterior walkways and residential balconies will be arrayed upon the inverted "L" shaped building providing additional outdoor areas for informal social interactions.</i>	<i>▪ Approved (Design Guidelines: A-7, C-3, D-7, & E-2)</i>
<i>4. Setback for specific uses 23.47.014.F.3</i>	<i>Parking occupying the street level frontage shall be setback at least five (5) feet from all street lot lines.</i>	<i>3 feet.</i>	<i>To accommodate internal parking the building steps back 3 feet from the property line. The sidewalk is setback two feet, this area will be integrated in proposal's setback are to create a combined width of 5 feet. Lush landscaping will be installed thus achieving the intent of the Code.</i>	<i>▪ Approved (Design Guidelines: A-2, A-8, C-3, C-4, D-5, D-7, E-1, & E-2)</i>
<i>5. Screening & landscaping when parking within a structure. 23.47.016.D.2.a</i>	<i>When parking occupies any portion of the street-level frontage of a structure between a height of five feet and eight feet above sidewalk grade, a five foot setback deep landscape area shall be provided.</i>	<i>3 feet.</i>	<i>See above.</i>	<i>▪ Approved (Design Guidelines: A-2, A-8, C-3, C-4, D-5, D-7, E-1, & E-2)</i>

Summary of Boards' Recommendations:

The recommendations summarized below were based on the plans submitted at the January 8, 2007 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings submitted for review on July 21, 2007 and revised on October 10, 2007. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members recommended approval of the subject design with conditions. No departures were requested. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. The Board recommended that the applicant should pull back and chamfer the street level commercial corner. The structural column should stay in place to anchor the upper level to the base. (*Guidelines A-1, A-2, A-3, A-4, B-1, C-1, C-3, C-4, & D-1*)
2. The Board encouraged the applicant to explore installation of well detailed signage, entries doors, operable windows, and storefront windows to establish a stronger presence. The applicant should provide detailed colored drawings; including “low key” signage detail within the plan set to document street level presence.
3. Applicant should carry through design detailing upon the west façade to create a greater synergy with the neighboring uses. The west façade located near NE 45th Street should be redesigned with a grander scale in mind. (*Guidelines C-1, C-2, C-4, D-2, & E-2*)
4. The Board was very supportive of the proposed translucent stair tower visible to the street and would encourage the applicant to work with DPD to maintain the glass curtain wall. The Board would also like to see architectural joints gasketed and revealed to help create a more pronounced and visually interesting façade. (*Guidelines A-1, A-3, C-1, C-2, C-4, & D-1*)
5. The Board recommended that the applicant use quality materials and plants, to green up and soften the street level façade along 4th Avenue. (*Guidelines A-8, A-9, D-5, E-1 & E-2*)

Director’s Analysis and Decision : Design Review

The Design Review Board recommended that the assigned planner should work with the applicant to resolve several Board recommendations prior to DPD approval. DPD is equally pleased with the overall building design, but as was noted in the recommendation meeting by the Board, the street level pedestrian experience needs additional design development along 4th Avenue NE. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F) to advance the proposal forward. The Design Review Board identified elements of the Design Guidelines (above) which are critical to the project’s overall success with concurrence of the Director.

Though the design of the new building (containing 10 residential units and commercial uses) is of moderate scale, subtle manipulation of proportion and choice of materials helps to establish a strong presence through the application of exposed horizontal and vertical columns in contrast to the mass of the building to the east (containing Office Max). The design of the proposed structure has been influenced by the surrounding vernacular with modern touches to provide visual interest that seeks individuality.

The proposed building establishes a strong street presence through maximizing lot coverage on the upper levels and opening the interior spaces to the outside behind large windows. The facade will maximize transparency both horizontally and vertically at both street levels to enhance the pedestrian experience along NE 45th Street and 4th Avenue NE. The commercial level will feature a chamfered corner to add greater articulation and visual interest. Metal overhead marquees create a visor above the sidewalk along NE 45th to hold the vertical commercial frame upon the streetscape and will provide protection from inclement weather. Upper level façade will feature understated rich tones hues to add depth upon the façade, and metal railing systems will add greater detailing to the building’s facade.

The building lacks a proper crowning touch to give full expression to street facing facades. Introducing a stringer cornice treatment at the roof top will provide a desired look, enhancing the character of the new building. The structure's bulk and scale will have a good relationship with surrounding properties due to in part to the alignment of the metal frieze above the store front windows. The frieze will wrap around to the east façade where the commercial use extends.

On February 7, 2007, the design team met with DPD to finalize street level changes to enhance the pedestrian experience along NE 45th and East 4th Avenue. In developing the expression of the façade, the design team added a continuous steel trim element to give relief, color, and a shadow line to define the horizontal trim areas at the commercial storefront between level one and two, two and the residential level, and picks this up again at the intersection between the top of wall and roof parapet. Likewise, a vertical steel trim element has been added to the brick corners on the residential levels. These elements serve to organize and enrich the façade, and provide a clean demarcation between materials to allow for differential movement and flashing. The design team agreed additional effort was warranted to create visual interest at the buildings southeast corner; exploring masonry, tile, or other options to make the chamfered corner more prominent. Vertical blade signs would be installed along NE 45th to give additional articulation at street level. Exterior lighting will be defused and indirect within wall sconces mounted to the building's columns. The design team acknowledged that the upper level west façade did not quite achieve the Board's expectation and would update plans to introduce coherent detailing elements compatible to the residential floors on the street facing facades. At the lower level the brick would wrapped around to the west façade. At street level adjacent to the parking level, additional landscaping is proposed along with the metal mesh detail to add detail at the pedestrian level. DPD feels that the street level design has been greatly enhanced with the updated plans, and thus satisfies creating a pedestrian friendly environment. (*Guidelines C-4, D-5, E-2*)

The applicant requested departures from development standards related to 80% street frontage occupied by nonresidential use, setback for mixed use developments across the alley from a residentially zone lot, open space quantity, setback for specific uses, and screening & landscaping standards when parking is located within a structure at street level; the four Board members recommended approval. After evaluating the DR Board recommendations and meeting with the design team to resolve all outstanding design concerns, the Director concurs with the Board's recommendations. The assigned planner was given authorization to approve additional departures if any where uncovered during the final zoning review phase. The Director has no further conditions to add. The Board recommended conditions will be made a part of decision approval.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings* and *Wallingford Neighborhood Design Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations above. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on January 8, 2007 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented in the revised plans, in response to the outcome of the February 7, 2007 meeting.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated July 21, 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 (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Traffic - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. 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 transportation during construction. The excavation of the lower levels 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 material to be removed from the site due in part to demolition and excavation for the at-grade building will have nominal impact on surrounding properties. During excavation a single-loaded truck will hold approximately 10 cubic yards of material. This will require approximately six truck loads to remove approximately 55 cubic yards of material. The site has ready access to I-5, approximately two blocks away, which is anticipated to have minor impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials, and include a limitation of truck trips during peak hours, which are from 7 AM to 9 AM and 4 PM to 6 PM.

Noise - The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, due to the density of residential units in the area and the proximity of these structures to the subject site. 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 by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Air and Environmental Health - Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

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.

Long-term impacts are typical of multi-use structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater 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.

Height, Bulk, and Scale

The proposed four-story project will rise to approximately 46 feet to the top of the parapet from the lowest sidewalk elevation grade along the NE 45th Street (lowest corner elevation grade). The development site and surrounding area is located within a Neighborhood Commercial Three zone with a height limit of 40 feet (NC3-40). The proposed structure will be the tallest building in the 300 block of NE 45th, as would otherwise be allowed by code. The adjacent lots contain one and two-story structures that are considerably undersized for the zoned height and would be prime

candidates for redevelopment. The proposed building's perimeter façade is designed to hold the horizontal line of the abutting buildings to scale its presence along the NE 45th streetscape. The site is a corner lot, with adjacent building stepping down equally on either side. Across 4th Avenue right-of way, approximately 60 feet away (minimum) is the structure containing Office Max, which is by far the most dominating building in the vicinity, in terms of bulk and scale. The proposed project is being developed to NC3-65 standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.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, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060, and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”

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.*” Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that condominium units generate approximately 4.18 vehicle trips per day in suburban communities. Within the City, vehicle trips are substantially lower due in part to the location of employment work centers, availability and proximity of public transit to downtown and other employment centers will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready access to the arterials supporting public transit within walking distance. The amount of traffic expected to be generated by 11 parking stalls devoted to residential use is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be near capacity. Parking can be found during the daytime with limited availability during evening hours. Eleven (11) off-street parking spaces for 10 residential units will be provided on-site for the new use.

Residential parking will be at a ratio of 1.1 spaces per each unit which meets code requirements and is expected to accommodate parking demand most of the day.

On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking that might be generated from the proposed commercial uses, if any actually occurs. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

CONDITIONS – DESIGN REVIEW

Prior to Issuance of Master Use Permit

Non-Appealable Conditions

The owner/applicant shall update plans to show:

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
2. Embed colored elevation and landscape drawings into the MUP and building permit drawings.

3. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

Appealable Conditions Prior to Issuance of MUP Permit

The owner/applicant shall update plans to show:

4. Update plans to reflect outcomes from the meeting with the assigned planner on February 7, 2007 with illustration and text. Specifically, include items addressed in the Director's Analysis section.
5. Design and install landscaping materials using quality materials to green up and soften the street level façade along 4th Avenue to be reviewed and approved by the DPD planner.
6. The applicant shall work with DPD to design and install a more desirable façade treatment on the west façade near the NE 45th Street frontage. If feasible, introduce substantial green elements on the exterior wall. At street level the brick should wrap around onto the west façade to be approval by DPD planner.
7. Design an attractive facade system along the street frontages; use durable materials including paint and fittings. Install well detailed signage, entries doors, operable windows, and storefront windows to establish a strong presence at street level. Provide detailed colored drawings; including "low key" signage detail within the plan set to be approved by DPD planner.
8. Design and submit for approval more detailing to create texture, and visual interests, etc., at the NE 45th and 4th Avenue corner. Pull back and chamfer the SE street level commercial corner. The structural column should stay in place to visually anchor the upper level to the base to be approved by DPD planner.
9. The applicant shall maintain the translucent curtain wall in front of the stair tower along 4th Avenue. When gasketed architectural joints should be revealed to help create a more pronounced and visually interesting façade to be approved by DPD planner.
10. Design and submit for review and DPD approval a cornice treatment at the roof top along street facing facades to ensure a successful cap for the street facing facades.
11. Include documentation of overhead weather protection along NE 45th (and wrapping), and over residential entry that projects at least six feet from façade over side walk.

Prior to Groundbreaking & Construction

12. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

During Construction & Prior to Certificate of Occupancy

13. The applicant shall continue to work with the DPD land use planner to review and approve the building as designed.

SEPA CONDITIONS

Prior to Issuance of Demolition or Construction Permits

14. The owner(s) and/or responsible party (ies) shall submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required.

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 weatherproofing material and shall remain in place for the duration of construction.

15. 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 by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: (signature on file)
Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

Date: October 22, 2007