



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:	3006774
Applicant Name:	Jeff Degen, Degen and Degan Architecture and Interior Design
Address:	4501 12 th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an eight-story building containing 6,000 sq. ft. of restaurant at ground level (was 7,000 sq. ft. retail), 140,263 sq. ft. of hotel (215 rooms) at and above grade, and (new) a 2,000 sq. ft. private residence on the roof. Below grade parking for 198 vehicles to be provided within the structure. Project includes 40,590 cubic yards of grading. Existing structure to be demolished.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). A *Design Departure* is requested from the following Code section: SMC 23.54.035 (Size of Loading Berths).

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION:

Exempt DNS MDNS EIS

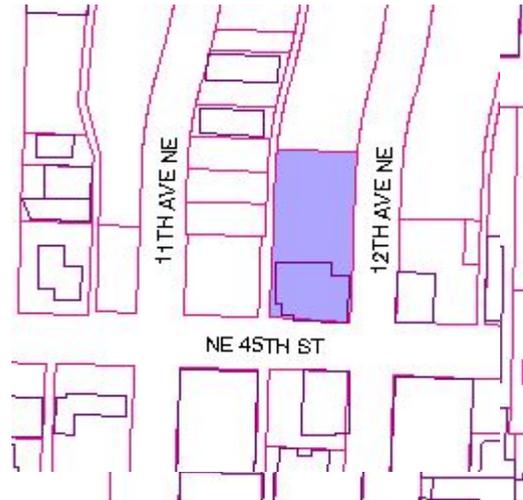
DNS with conditions

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

PROJECT AND SITE DESCRIPTION

The owner proposes to construct an eight to nine story hotel consisting of approximately 215 rooms (previously 222) with a street level restaurant of approximately 6,000 SF and three and one-half levels of below grade parking for 185 vehicles.

The project site is located on the northwest corner of the intersection of Northeast 45th Street (NE 45th Street) and 12th Avenue Northeast (12th Avenue). The zoning is Neighborhood Commercial 3 with an eighty-five foot height limit (NC 3-85). The site has two additional zoning overlays: the University District Northwest- Urban Center Village and the NE 45th Street Station Area Overlay District.



The project site is approximately 21,525 square feet in area with 205 feet of frontage on 12th Avenue and approximately 105 feet of frontage on NE 45th Street. The site slopes slightly downhill from north to south approximately 10 feet. The site currently contains a one-story structure on its southern one-third with the remainder a parking lot for the former commercial uses.

The surrounding zoning in all directions is also NC3-85 but contains a mix of uses and structure sizes and ages. A substantial number of parcels to the north of NE 45th Street are used for surface parking. However, across the alley to the west is the relatively new six-story 45th Street Plaza office building. To the north of this and separated by surface parking are two two-story office structures. To the south of the 45th Street Plaza and across NE 45th Street is a four-story office structure. The Safeco Insurance Building is also across NE 45th Street and to the east of 12th Avenue. At the northwest corner of NE 45th Street and Brooklyn Avenue NE is the Art Deco Hotel Deca. Beginning with the Hotel Deca and the Safeco Building the street edge becomes defined by buildings traditionally located at the sidewalk. NE 45th Street is a major east to west arterial while 11th Avenue NE to the west is a major north to south arterial. On the project side of 12th Avenue from the north end of the site northward to NE 47th Street King County / Metro Transit use the parking lane for 24-hour bus lay-over.

Public Comment

Public comments were received at the pre-MUP Early Design Guidance (EDG) meeting and MUP Design Review Recommendation meeting. These are contained in the reports from each meeting. No non-Design Review comments were received.

ANALYSIS - DESIGN REVIEW

At the March 3, 2008 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and considered the requested *Design Departure*. The Board's additional guidance and recommendations follow the EDG Guidance that is in *Italics*. The complete EDG and Recommendation reports are available in the MUP file.

A. Site Planning

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

The site's corner of 12th Avenue and NE 45th Street is a visually prominent intersection in the University District street system.

- *The developed design of the proposed restaurant space (or whatever other use may go here) should include an entry at the corner and the building above should also acknowledge the corner. Consider providing a recessed entry for this area to create a transition area between the busy street and sidewalk and the building interior (see bank at the northeast corner of Brooklyn Avenue NE and NE 45th Street for a successful example of this).*
- *The design should continue with a stepping of the first level to assure the corner space floor level is not above street level.*

Recommendation Meeting. The proposed design for the corner includes an interesting and gracious entry. The building steps at street level to follow the existing grade. Both respond to the guidance given. The proposed mechanical screening extension for the tower design substantially responds that responds to the guidance given but should follow the recommendations in *C-2 Architectural Concept and Consistency* below.

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

- *If the pool / amenity area will be located at the building's southwest corner, the remainder of the building's 45th Street facade should continue the street wall scale established by the 45th Street Plaza building scale.*

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given.

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

The proposed location and character of the hotel entrance should continue to be proposed.

- *This guideline should also be applied to the proposed separate commercial entry at the south end of the building.*

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given.

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

A high priority for a building in this Urban Village and along NE 45th Street. Overhead weather protection (OHWP) is necessary along NE 45th Street and substantial portions of 12th Avenue NE.

Recommendation Meeting. Although overhead weather protection is proposed along all facades except for the two building entries, its function is provided by the entry recesses and building overhangs above. Consequently, the Board finds that the proposed design responds to the guidance given.

A-7* Residential Open Space. *Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

- *The proposed location of the pool / amenity area at the site's southwest corner should be continued for maximizing solar access.*

Recommendation Meeting. The pool has been located at the building's southwest corner. The roof of the pool enclosure (at floor Level 4) has outdoor activity areas, seating, and landscaping, including an adjacent three-story green wall. This location optimizes south and southwest solar exposure and opportunities for viewing of one of the busiest University District thoroughfares. The Board finds that the proposed design responds to the guidance given.

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 Board agrees with the problems presented by the narrow alley, as noted in the Design Departure matrix above. Additionally, they noted that the drop-off and loading activities associated with a hotel vehicle entry often adds valuable human activity at the street level. However, a vehicle entry alone does not assure this.

- *For this design departure to be acceptable the entry must be gracious in size (width and height proportional), provide substantial visual transparency and physical "fluidity" between the building interior, on-site driveway, and sidewalk.*

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given. The Porte cochere driveway entry at the sidewalk is kept to a minimum one-way width of 12-feet. It includes a postern (parallel pedestrian walkway) to the Porte cochere lobby entry and a large landscape area visible to the street. The interior of the Porte cochere proposes wall materials on the utility rooms along the north side that are an extension of the lobby. The street side of the utility area (approximately 13-feet in length) with the proposed Metro Transit bulletin board should support the existing bus and transit functions of the street.

B. Height, Bulk and Scale

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

The surrounding area is similarly zoned NC3-85; compatibility with the surrounding context should not be an issue. However, a human scale, particularly with the long 12th Avenue frontage, should be evident in the developing design.

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given.

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 complement the architectural character and siting pattern of neighboring buildings.*

The immediate architectural context is not strong. The newer 45th Street Plaza and older Hotel Deca are two positive examples, although very different from each other. The wider University District area has many positive examples, from the square brick expressions of the 1920's (The Wilsonian Building on University Way, for example) to the project architect's own newer Watertown Hotel on NE 43rd and Roosevelt Way NE. The project design should fit into this broad context. Avoidance of a Californiaesque-suburban style Residence Inn is essential.

Recommendation Meeting. The proposed design builds on the clear and modern design of new University District building(s), such as the Watertown Hotel. The brick façade proposed for most of the 12th Avenue NE façade is a common older material in the neighborhood. The project, however, proposes to use it to give a vertical emphasis and use a lighter color, both a more modern / contemporary expression. Given this, the Board finds that the proposed design responds to the guidance given.

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.*

Following this guideline is essential to successfully respond to the context of the well-traveled NE 45th Street corridor and the broader architectural context of the University District.

Recommendation Meeting. The Board noted that the overall proposed design presents a handsome building that will enhance its function and compliment its surroundings, but in a few important areas need further design development.

- The proposed mechanical screening is a creative way to enhance the screening function and emphasize the building corner. The Board **Recommends** approval of the proposed location of this element. However, the proposed pattern of spandrel glass and accent red paneling oddly breaks up the established fenestration pattern on the rest of the tower below. This should be corrected and presented to the project planner for review and approval.
- The owners penthouse was presented without details, other than a shed roof and adjacent open space. If this element will remain its exterior details (shape, roof pitch, color, materials, fenestration, etc) must be consistent with the remainder of the building. These details must be submitted for planner review and approval.
- The proposed curved façade adjacent to the pool roof top open space is an interesting juxtaposition to the remaining linear façades. However, this positive attribute is lost by the proposed fenestration of “stacked” and uniformly sized window units. The windows should probably be staggered to continue the pattern established elsewhere on the structure. The horizontal emphasis of the black and white bands (at the floor slabs?) are dissonant with the otherwise vertical expression of the remaining facades. Developed design response(s) to this guidance should be submitted to the project planner for review and approval.
- Consideration should be given to coinciding the darker brick accent strips with the room layout on the 12th Avenue NE facade. As is, the dark brick alternates with the smaller window lights but doesn’t seem to have any relationship to the room layout behind. It creates an “illegibility” of what is behind the walls and to what the windows relate. In contrast, along the alley façade’s northwest portion, the light and dark stucco delineates room groupings in a more discernable manner. Understandably, the larger double window pairs are for the suite rooms, while the single and small light window pairs are for the smaller rooms. An alternative to changing the brick pattern could be “book ending” of the small lights on the outsides / opposite sides of the each rooms’ two single large windows. Provide a design response to this concern to the project planner for discussion and approval.

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

See comments in B-1 above.

Recommendation Meeting. A good human scale should be achieved as a result of the extensive street level glazing, almost continuous overhead weather protection, landscaping along the street frontages, and discernable entries. Consequently, the Board finds that the proposed design responds to the guidance given.

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.*

See comments in C-2 above.

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given.

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.*

See A-8 above.

Recommendation Meeting. The Board finds that the proposed design responds to the guidance given.

D. Pedestrian Environment

D-8 Treatment of Alleys. *The design of alley entrances should enhance the pedestrian street front.*

The street-level façade of the 45th Street Plaza across the alley wraps northward into the alley. The present use in the building at the alley and street corner is a people generating fast-food restaurant.

*One rationale for the design departure request to reduce the number of loading stalls is that it would allow a larger area of alley wall that is architecturally attractive, as opposed to the opening for a loading dock (the other being the applicant's experience that only one loading dock is needed for this use and its size). **(Post Recommendation Meeting Planner's Note: The Design Departure request has been modified to a reduction in the size of one of the two required loading berths, not the number of required loading berths, per SMC 23.41.012.)***

The Board clearly stated that blocking the already narrow alley for loading is not acceptable (the Director concurs with this). But the reduction in loading/utility/service alley frontage close to heavy vehicle and moderately heavy pedestrian traffic area would be a positive outcome for the streetscape.

The Board will consider supporting this departure request if the design results in a greater extend of transparent glazing (into active building areas) and continuation of quality façade materials along the alley north of 45th Street. This is contingent on the applicant's demonstration to the satisfaction of DPD that the reduced loading facilities will not result in or require blockage.

Recommendation Meeting. The alley façade details, both at the alley and the upper levels, are a simplified continuation of the staggered patterning of the street facades. The NE 45th Street façade glazing continues up the alley to match the alley glazing of the adjacent 45th Street Plaza building. The applicant has demonstrated to DPD that a smaller loading facility is sufficient for the project needs. This smaller loading area will minimize the opening and increase the area of possible wall detailing. The Porte cochere exit will allow views through the project to 12th Avenue NE and views of the well detailed Porte cochere area described in A-8 above. The garage entry and exit does not directly open to alley but is screened behind a portion of the detailed alley façade.

Based on the above design response and information provided to the project planner, the Board finds that the proposed design responds to the guidance given and Recommends approval of the *design departure* to provide one, not two, loading areas. **(Post Recommendation Meeting Planner’s Note: The Design Departure request has been modified to a reduction in the size of one of the two required loading berths, not the number of required loading berths, per SMC 23.41.012.)**

D-9 Commercial Signage. *Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.*

Signage for the corner use and the hotel use should be architecturally integrated into the building design. This should be developed and presented with the MUP drawings and at the next Design Review meeting.

Recommendation Meeting. Hotel signage is proposed on a vertical blade sign for each street frontage and a marquee over the hotel entrance. All sign shapes (except for small “Marriott” logo signs next to the larger blade signs) continue the building’s architectural design. The restaurant façade has adequate space for appropriately sized and designed signage. The Board finds that the proposed design responds to the guidance given.

D-10 Commercial Lighting. *Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.*

D-11 Commercial Transparency. *Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.*

The elements of D-10 and D-11 are important to the successful treatment of the corner commercial space. Human activity (A-4) and architectural acknowledgement of the corner (A-10) rely on transparency into the interior street level uses and appropriately designed interior and exterior lighting that will support this transparency during day and evening hours.

Recommendation Meeting. The proposed extensive glazing at street level and above responds to this guidance for both building lighting reaching the street and transparency from the street into the building’s uses.

E. Landscaping

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

Incorporation of Green Factor plant material is required for this project. A project goal is to landscape the pool / amenity roof area to create an active, usable, and pleasant area here. These two goals should be joined together as much as possible. Other voids, or large recessed areas in the façade, should also have visually appealing Green Factor landscaping to reduce the visibility of roof areas.

Recommendation Meeting. A landscape plan and Green Factor calculations were not included with the Recommendation Meeting packet, although they were included with the MUP plan sets. The Board based its comments on the landscaping notations included on various packet elevation and plans sheets.

The proposed pool roof / amenity area design appears to respond to this guidance. The proposed green screen / vegetated wall adjacent to this area and covering an interior stairwell is an appropriate addition. However, with the proposed widening of the sidewalks by an increased building setback and column staggering, the MUP proposed landscape plan for these areas might no longer be possible. Landscaping to give texture and scale along the sidewalk areas is important for project enhancement and creating human scale and a pedestrian friendly environment. Updated plans responding to these concerns must be submitted to the project planner for review and approval.

DEPARTURES FROM CODE STANDARDS

One *design departure* was requested.

SUMMARY OF DEPARTURE REQUEST

Land Use Code Standard	Proposed Departure	Applicant’s Design Rationale for Request	Board Recommendation and DPD Determination
Loading Requirements. Low demand uses, such as lodging, shall provide two 10 (w)’x 14’ (h) x 35’ (l) loading berths, reducible to 10’x14’x25’ (SMC 23.54.035).	Provide one reduced size berth and one 10’ x 9’ (approx.) x 20’ berth.	The applicant’s experience with the hotel business for a facility of this size and mix of uses has demonstrated the need for less than the Code required quantity. Hence this space is better devoted to other uses. <i>D-8</i>	The Board <i>recommended</i> approval of the request to provide less than the required berth space. DPD approves.

BOARD RECOMMENDATION

The Board found that the project design successfully responds to the design guidance given, with the recommendations outlined in this document and **Recommended** the approval of the *Design Departure* request.

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the *Unanimous Recommendations* of the *four* Design Board members present at the Recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings* and *University Community Design Guidelines*.

The applicant submitted design changes in response to the Board's Recommendation Meeting Conditions in *C-2*, *D-8*, and *E-2* above (dated April 15, May 1, and May 15 in the project file).

- The proposed mechanical screening materials and material arrangement has been simplified by creating a stronger consistency between the red accent paneling on the façade below and the screening, and removing the spandrel glass and leaving this area open. Perforated metal panels instead of a clear opening were explored as a second screening possibility. These are not proposed now but could be used in the future.
- Details of the newly proposed roof-top residential penthouse show a form and use of glass and brick materials that is consistent with the remainder of the building.
- The proposed curved façade adjacent to the pool roof top open space has been replaced with a flat surface with a staggered glass pattern to achieve consistency with the remainder of the building. The expressed edges of floor slabs will use the same material and color as the remainder of the building for consistency.
- Coinciding the darker brick accent strips with the room layout on the 12th Avenue NE façade is in on-going design exploration. The applicant would like to submit these with the construction application for the building shell. Since this is a minor element in an overall exemplary design, MUP planner review of this element will occur at that time.
- A *Design Departure* from the minimum size requirement of the second loading berth has been requested. A second loading berth door has been added to the alley façade and continues the previous high quality alley façade design and use of materials.
- Updated landscape / green factor street level plans will be submitted with the final plans to assure Code conformity.

One *Design Departure* has been requested as outlined in the Departure Matrix at the end of this document. The Director finds that the *Design Departure* to: 1) reduce the size of the second loading berth responds to the project design goal of maximizing the use of high quality materials along the alley façade and the interior usable space of the building in light of the applicant's experience that a second full size loading berth is not necessary for the proposed uses will assist the project in better meeting the Design Guidelines and guidance given (see Matrix Table).

Based on the project's final design presented at the March 3, 2008 Recommendation Meeting, the subsequent design responses referenced and outlined above the Director **APPROVES** the proposed design and related departure (subject to the **Conditions** found at the end of this decision).

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated September 7, 2007 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

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

Short-term Construction Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Construction traffic impacts,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality and construction traffic impacts, and therefore warrants further analysis.

Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Traffic and Circulation

Site preparation will involve removal of the existing building, pavement, and excavation for the foundation of the proposed building and below grade parking garage. Approximately 40,590 cubic yards of material will be excavated and removed from the site. Existing City Code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62), designates major truck streets that must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to Interstate 5 but this is through the heavily congested NE 45th Street arterial. However, traffic impacts resulting from the truck traffic associated with grading will be of short duration and be mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and requiring 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 to pedestrians.

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

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: 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, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Air Quality

The number of employee and guest vehicular trips associated with the project is expected to increase from the amount currently generated by the site's existing building (see *Traffic and Transportation* below) and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes will result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Height, Bulk, and Scale

The City's 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 discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Traffic and Transportation

A *Transportation Impact Analysis*, dated December 2007 by The Transpo Group, was submitted with this application. (Copy available in the MUP project file). The report evaluated the existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project (net new trips), and evaluated the impact of these new trips on the level-of-service of intersections in the study area and relevant transportation concurrency screen-lines.

DPD's transportation planner has reviewed the study's findings and agrees that the proposed project is not anticipated to have significant impacts on the surrounding transportation system. The study concluded that while the project will result in a proportional increase on overall traffic within the study area, all study intersections will continue to operate at acceptable levels during the PM Peak Hour (the time of greatest potential traffic impacts) in year 2010 with the project. The proposed site access driveways (entrance on 12th Avenue NE and exit to the alley) will operate at a LOC of "C" (Level of Service) during the same peak period. Regarding the City's Transportation Concurrency evaluation system, the project will meet concurrency standards within the applicable study area.

Parking

The proposed development will provide between 185 and 198 below-ground parking spaces on three and one-half levels. No parking is required by Code for this project because it is a commercially zoned site within an Urban Center and Station Area Overlay District (for future light rail). However, based on the expected project trip generation and consequent parking demand the proposed parking is adequate, hence no significant parking impacts are anticipated from this proposal and no mitigation is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

This decision was made after review by the responsible official on behalf of the lead agency of 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 43.21.030 2C.

DESIGN REVIEW CONDITIONS

Non-Appealable Design Review Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).
2. The building constructed shall comply with all images and text on the final MUP drawings, as *Conditioned*, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Update and embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Call out the departure granted on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Master Use Permit

5. Re-submit the revised MUP plan sets for final zoning review.

Prior to Issuance of the Building Permit

6. The design shown in the building permit plans shall conform to all images and text on the updated MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping). The final configuration of the 12th Avenue NE brick façade accent strips (discussed under Director's Analysis and Decision C-2 above) shall be reviewed and approved by project land use planner.

