

Area Development

Development along Martin Luther King Jr. Way South consists of a mixture of commercial uses in the neighborhood commercial zones. There is a bank on the adjoining lot to the north. The bank parking lot adjoins the north property line. There is a two story retail complex with surface parking on the adjoining property to the south. There is residential development to the east of the site in the SF 5000 zone. There is a ministry on the northeast corner of 42nd Avenue South and South Othello Street. The New Holly housing development is located both north and south of South Othello Street to the west of Martin Luther King Jr. Way South.

Proposal Description

The applicant proposes to construct a two story 6,330 square foot building with ground floor retail and medical services (dental office) on the second floor. Surface parking for 14 vehicles would be provided with vehicle access from 42nd Avenue South. Pedestrian entries would be from the sidewalk. There would be an employee entrance at the rear of the building from the parking area. The Sound Transit line is being constructed in the street right-of-way in front of the site. New street improvements, street trees, and landscaping will be associated with the Sound Transit project. A 2,000 square foot dental clinic is already constructed at 7148 Martin Luther King Jr. Way South and will be relocated to the project site. A new masonry ground floor will be built to accept the existing 2,000 square foot module which will be rolled down 42nd Avenue South and jacked on top of the new ground floor. Once in place, the existing 2,000 square feet will be expanded to match the 3,200 square foot ground floor footprint.

Public Comment

One comment letter was received during the comment period which ended July 6, 2005. Concerns were expressed about safety and security. He recommended fencing off recessed areas and good illumination of the parking area and exterior of the building to discourage undesirable activities. He recommended maximizing the amount of glazing on the front and rear of the building to provide “eyes on the street and alley”. He was also concerned that the design of the building would enhance the appearance of the neighborhood business district. He is concerned that the north face of the building would have no windows because the mass of the two story wall would create visual blight.

ANALYSIS – DESIGN REVIEW

PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” and the “*Draft Othello Neighborhood Design Guidelines*” February 22, 2005 of highest priority to this project:

A-2 Streetscape Compatibility

The siting of the 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.

The Board feels that the structure should be located toward the front of the lot next to the sidewalk and should be oriented toward the street. The Board recommended maximizing the amount of glass on the front and rear (west and east sides) of the building because there will be no windows along the north and south property lines. Eventually new buildings on the two adjoining lots to the north and south will be constructed up to the property lines adjacent to the north and south walls of the proposed building. The Board wants to see an articulated front and weather protection provided on the preferred option and said it should be carried through on the Master Use Permit plans presented at the recommendation meeting. The Board pointed out that an existing beige building on the block is not pedestrian friendly. They emphasized that the proposed building should make a greater effort to engage the pedestrian. Creative use of the pavers and glazing could be used to engage the pedestrian.

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 a commercial street front should be minimized and where possible should be located behind a building.

The Board thinks that access to the parking lot should be off of 42nd Avenue South.

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 design should reinforce the northwest corner of the building. The design should identify the use of the building as a dental office. The bank to the north of the site has a surface parking lot adjoining the project site and will probably not be redeveloped for a number of years. The Board said the project site will function to some extent as a corner lot and wanted some emphasis of the northwest corner including a tall design element on the corner which could emphasize the corner since the mass of the building is well under the allowed 65 foot height limit in this zone.

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.

The design of the arch proposed atop the building needs to be further explored to make it a strong architectural feature. It should be incorporated into the overall design of the structure. The Board liked the concept where the “pod” in which the dental office is temporarily located would be lifted to fit inside an L-shape of the new building. They also think the “pod” element should slightly extend further out from the façade of the remainder of the building to illustrate the function and the story of how the “pod” came to be placed in that location. They like the “pod” reading as a separate feature. The Board stated support for the applicant’s preferred option 2.

C-4 Exterior Finish Materials

Building exterior 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 proposed materials appear to be appropriate for the use of the building and neighborhood context, particularly the expanse of glass. The Board looks forward to seeing the further refinement of the materials and colors at the second Board meeting.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The north facade of the building is on a property line and therefore will have no openings which the Board said needed to be addressed by minimizing the appearance of bulk.

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board wants the design to minimize the appearance of dumpsters, utilities and service areas.

D-7 Personal Safety and Security

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

The Board also emphasized a need for “eyes on the streets and parking lot” for security and safety. Maximizing the transparency could allow the occupants to monitor outdoor activities and discourage crime in the vicinity. The Board said the approximately 5 foot gap between the buildings which is currently a storage area for the adjoining property should be fenced off for appearance and to discourage litter, vagrancy, and criminal activity. The Board wants good security lighting of the parking area, sidewalk, building facades, and the greater area.

DEVELOPMENT STANDARD DEPARTURE

The applicants proposed the following development standard departure.

Development Standard	Requirement	Proposed	Comment	Board Recommendation
23.47.016B	Landscaping equal to 5 percent of the lot area shall be required for new construction.	Three feet of low shrub landscaping along 42 nd Avenue South.	Three feet is adequate to screen the parking area and address the security concerns of the neighbors across the street. Sound Transit’s landscaping in the MLK Jr. Way S. right-of-way will frame the front façade.	Approve

Staff Comments - Embed at least 4 colored/shadowed 11 x 17 inches elevation drawings on full sheets in the front of the plan sets for the MUP submittal. These drawings should show your initial design response to the priority guidelines identified at the EDG meeting. Feel free to embed/add other colored drawings such as a site/landscape plan or 3 dimensional sketches of the streetscape/ground level character.

After the Early Design Guidance meeting, the owner and architect offered to provide a multicultural mural on the north façade of the building to minimize the blank façade, discourage graffiti, and to make a friendly gesture to the neighborhood. The mural is currently in storage with the South East Effective Development (SEED) public art program. It was formerly located on the displaced dental office building. The owner and architect also offered to provide references to Dr. Martin Luther King Jr. in the pavers between the sidewalk and the front façade of the building. SEED has a public art program which can help facilitate this effort.

Master Use Permit Application

The applicant applied for a Master Use Permit on April 29, 2005.

Response to Priorities

The Design Review Board met on July 12, 2005 to review the applicant’s formal project proposal, developed in response to their identified priorities. All five Board members were in attendance. At this public meeting site plans, elevations, floor plans, and landscaping plans as well as elevation sketches and renderings were presented for the Board members’ consideration.

A-2 Streetscape Compatibility

A-4 Human Activity

The Board liked the idea of embedding references to Martin Luther King Jr. in the pavers between the sidewalk and the building. They also supported the multicultural mural on the north façade in enliven the pedestrian environment and complement the street improvements Sound Transit will install in front of the site.

A-3 Entrances Visible from the Street

There will be an enhanced sense of entry for the tenants on the lower level and three separate entrances to identify the separate uses.

A-10 Corner Lots

Although the Washington Mutual Bank to the north is on the actual corner site, the Board said this site functions as a corner lot and they requested some design emphasis at the corner. The Board was pleased with the proposal to exhibit the multicultural mural on the north façade facing the bank parking lot but also oriented toward the street. The mural will be seen by Sound Transit riders, pedestrians, and motorists from Martin Luther King Jr. Way South. The northwest corner was also emphasized by wrapping the split face CMU around the corner of the building.

C-2 Architectural Concept and Consistency

C-4 Exterior Finish Materials

D-2 Blank Walls

The Board liked the way the design tied together the different exterior finish materials. The building is sited to enhance the streetscape with a modulated front façade, split face CMU, stucco, awnings, and a combination of opaque spandrel glass and clear glass. Corrugated metal siding is combined with the splitface CMU on the rear and north side elevations. The Board said the decorative arch atop the roof is an elegant announcement of the building to the street. Sunscreens provide shadows on the building that move during the day as the sun moves. The sunscreens are also playful and give the building character. The module that will be lifted onto the base of the building will slightly overhang the east side of the building and will break up the mass of the east façade and provide a visual history and interest that the module temporarily housed the displaced dental office during construction of Sound Transit. The module will also provide interesting shadows. The gain of the stucco will have a hatched pattern with an acrylic finish.

A-8 Parking and Vehicle Access

A-9 Location of Parking on Commercial Street Fronts

D-6 Screening of Dumpsters, Utilities and Service Areas

D-7 Personal Safety and Security

The Board supported concentrating the landscaping along the east property line to screen the surface parking area from the residences across 42nd Avenue South. The Board also supported limiting the height of the landscape screen to the height of a standard vehicle in response to neighbors concerns about security and being able to monitor illegal activity in the surface parking area. Hiding places have been removed. The Board supported the security lighting on the exterior of the building. One of the parking spaces is for the dumpster and an automobile may be painted on the site of the screening for the dumpster.

With respect to the design of the project, the Director concludes that the design has successfully responded to the Design Review Board's guidance. For this reason, the Director concurs with the Design Review Board's recommendations and **approves** the subject design as presented in the official plan sets on file with DCLU.

Summary of Design Review Board Recommendations

The recommendations are based on the plans submitted at the final design review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the July 12, 2005 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **unanimous approval** of the subject design with **one recommended condition as follows**. The mural shall be installed on the north façade of the building and the pavers shall be installed between the building and the sidewalk prior to issuance of a final certificate of occupancy.

DECISION - DESIGN REVIEW

The proposed design is **GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated April 29, 2005) 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.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park onsite in the surface parking lot as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The proposal 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, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 5:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

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.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: 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.

Drainage

Rain water on roofs and on the driveways is the major sources of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA

Height, Bulk, and Scale

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

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project in an NC3 65' P1 SS zone as determined by the Design Review Board's review and unanimous approval without conditions. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that medical-dental office buildings generate 36.13 vehicle trips per day per 1,000 square feet of gross floor area, and a retail store would generate 44.32 vehicle trips per day per 1,000 square feet of gross floor area. Based on the estimates in the Trip Generation Manual the dental office portion of the

building would generate approximately 108 trips per day and the retail portion of the building would generate approximately 133 trips per day, a total of 241 trips per day. The availability and proximity of Sound Transit in front of the site 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 vehicle access to three arterials, (Martin Luther King Jr. Way S., Rainier Avenue South, and South Othello Street) and a freeway (Interstate 5). The volume of traffic along Martin Luther King Jr. Way South is high and nearby intersections operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, 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 below capacity and on-street parking can be found during the daytime or evening hours. The nine parking spaces provided on-site in the surface parking lot at the rear of the site would meet the code requirement and are expected to accommodate the parking demand generated by the project. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

SUMMARY

In conclusion, several adverse effects on the environment are anticipated resulting from the proposals which are nonsignificant. 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).

SEPA AND DESIGN REVIEW CONDITIONS

During Construction

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

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. 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.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays from 9:00 a.m. to 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work after approval from the Land Use Planner. Interior work may proceed at any time in compliance with the Noise Ordinance.
2. Construction workers shall park onsite on the surface parking lot as soon as the building is enclosed.

Prior to Issuance of a Final Certificate of Occupancy

3. The mural shall be installed on the north façade of the building and the pavers shall be installed between the building and the sidewalk.

Compliance with conditions numbered 1, 2, and 15 must be verified and approved by the Land Use Planner assigned to this project (Malli Anderson, tel. 233-3823) or by the Supervising Senior Land Use Planner for the area where the project is located (Vince Lyons, tel. 233-3861), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of any final inspection if required. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: _____ (signature on file)
Malli Anderson, Land Use Planner
Department of Planning and Development

Date: March 16, 2006