



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:	2403456
Applicant Name:	Neal Thompson of Roger Newell Architects for Tom and Kristin Ferguson, owners
Address:	4730 University Way Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a seven-story building containing 9,500 (revised) square feet of retail at ground level, 14,648 (revised) square feet of administrative offices on a 2nd level, 125 apartment units on levels 3 through 7. Existing 88-unit apartment building (Wilsonian) to remain. Parking for 126 (revised) vehicles to be provided in 3 (revised) levels at and below grade. Project includes future demolition of existing commercial structures and Wilsonian Ballroom.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following Code sections: SMC 23.47.024.A (open space) and SMC 23.47.014.B.4 (upper-level set-backs)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS

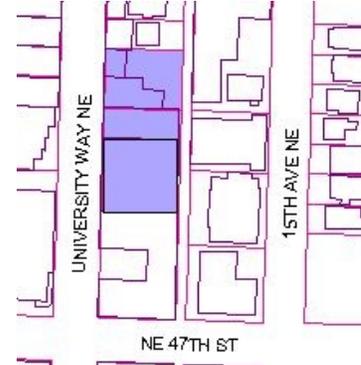
DNS with conditions

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

BACKGROUND DATA

Project and Vicinity Description

The owner proposes to construct a seven story mixed-use structure (The Lothlorien) containing five residential levels with approximately 125 units over 14, 648 square feet of office space on the second level, and 9,500 square feet of retail space at the University Way ground level. Parking will be provided in three below grade parking levels within the structure. Exclusive of the one garage vehicle entry and service entries, the alley level façade will have a residential lobby entry and office frontage.



The project site is located on the east side of University Way NE (the “Ave”) directly to the north of the Wilsonian Apartments and mid-way between NE 47th Street and NE 50th Street. The zoning is Neighborhood Commercial 3 with a sixty-five foot height limit (NC 3-65). The site has these additional zoning overlays: Pedestrian 1(P1), the University Community Urban Center Urban Village (V) and is within the NE 45th Street Station Area Overlay District (45-SAOD).

The project site is approximately 22,248 square feet in area with 216 feet of frontage on University Way NE and a depth of approximately 103 feet. The site slopes slightly downhill from north to south and approximately 13 feet from the alley down to University Way NE. Because of this alley-to-street slope the proposed second story would be the at-grade story on the alley side. The site currently contains a number of older single story structures that contain 9 businesses and the Wilsonian Ballroom.

Surrounding zoning and land uses are as follows: Both sides of University Way NE on this block and on the blocks north and south of NE 50th and NE 47th Streets are also zoned NC 3-65-P-V-45. The Wilsonian Apartments to the south (also owned by the Ferguson’s) is the tallest structure on this block. The remainder of this section of University Way NE is comprised of mostly single story structures with some two-story structures. Across the alley to the east the entire block face is zoned Lowrise 3 (L3). The land uses in this area are divided between apartment structures on the south half of this block and the University Christian Church group of buildings on the north half. The division between these north institutional and south residential uses is approximately at the mid-point of the subject site.

ANALYSIS - DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES, EARLY DESIGN GUIDANCE MEETING OF SEPTEMBER 28, 2004.

At the Early Design Guidance (EDG) meetings and after visiting the site, considering the analysis of the site and context provided by the proponents, 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 University Community Design Guidelines*" of highest priority to this project:

- A-2 Streetscape Compatibility
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk and Scale Compatibility.
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- E-2 Landscaping to Enhance the Building and / or Site

DEPARTURE REQUESTS.

Design departures from the open space requirements of SMC 23.47.024.A and B were requested. These require open space equaling 20 percent of the structure's gross floor area and limit the minimum dimensional requirement for open space balconies to 60 square feet and 6 feet in any one direction. The provision of a combined open space entry courtyard along University Way NE was proposed as an alternative to larger roof or balcony open space areas and presented as better meeting the project and University Community Urban Center (UCUC) goals for pedestrian environments along the "Ave". No specific reduction for the overall area was requested, as that will depend on further design work.

The Key Design Guidance Given Was:

- Create a wider pedestrian environment by setting-back at least the first, and possibly, the second floor street facades from the property line,
- Continue the historical street façade plane by the minimal use of modulation, a two-story commercial frontage, and the repetition of (appearance of) multiple small commercial spaces,
- Support the pedestrian environment by the addition of overhead weather protection, recessing commercial entries,
- Clearly differentiate the commercial and residential entries,
- Design the alley façade to minimize impacts on the adjacent L-3 zone by using modulation and upper level set-backs to reduce shadowing and loss of sunlight, designing this façade to read as residential, and locating the service and garage entries away from the adjacent ground level residential units.
- Provide part of the required open space as a plaza or courtyard at the University Way entry (per University Community Design Guidelines),

- Height, bulk, scale, and architectural expression should reflect the structures adjacency to the existing Wilsonian Apartments.

Public Comment from the Early Design Guidance Meeting

- Loss of views from and sunlight to the adjacent Wayfarer Cooperative should be minimized,
- The alley façade should be designed to minimize the extent and negative appearance of service areas visible from the adjacent residential areas,
- The design should reflect the Wilsonian Apartments,
- Consider outside commercial areas on a second floor facing University Way,
- Provide adequate parking for the commercial uses,
- Preserve the Wilsonian Ballroom.

Initial Board Deliberation on Requested Departures

Following a discussion of these requests the Board directed the applicant to develop a scheme that would show how the provided open space on all levels would result in a better quality and functioning open space for the project.

Design Review Board Recommendation Meeting Summary, June 6, 2005.

The applicant applied for the Master Use Permit (MUP) on March 16, 2005. In the following months the applicants refined their project to respond to the previous Early Design Guidance. On June 6, 2005 the Northeast Design Review Board held their recommendation meeting on this proposal. Board members Jamie Fisher, Chair, Al Turrico, and Jeff Gervin attended. Board members Brodie Bain and Nina Albert were absent. The applicant brought additional materials, including renderings, to demonstrate how the project design had developed in response to the early design guidance (EDG).

Background Information on Historic Landmark Review

At the time of MUP application the applicant was informed that four of the buildings on the project site were potentially eligible for designation as City landmarks. These were the Lewis Building, the former Wilsonian garage (Earl's Restaurant), the Wilsonian Ballroom, and the Wilsonian Apartments. The applicant was instructed to prepare referral materials for submittal to Seattle's Historic Preservation Officer for a determination of whether a nomination for landmark status would be required.

On April 5, 2005 the five buildings were determined to be likely eligible for landmark designation and the applicant was directed to prepare nomination materials. At this time the applicant was informed that all historic preservation issues should be resolved before any final recommendation by the Design Review Board could be made. The applicant requested to proceed with the design review process with the assumption that only the Wilsonian Apartments would be nominated. No work or changes were proposed to the Wilsonian Apartments; its

designation would therefore have minimal impact of the project as planned. The June 6, 2005 *Recommendation Meeting* was held with the understanding that the project would return to the Board if the any of the other buildings were ultimately designated a landmark, or if the Historic Preservation officer required substantial changes to the project design because of the adjacency to the Wilsonian Apartments.

For a complete discussion of the nomination and designation processes, please see *Long Term Impacts – Historic Preservation* in the SEPA Analysis at the end of the Design Review analysis.

Summary of Architect's Presentation

The applicant presented elevation renderings and plans and described the manner these responded to the *Early Design Guidance*. The proposed design continued the single structure concept but tailored the massing and design of each façade to respond to its respective commercial or residential context. The University Way facade is largely in a single plane to reflect the massing of the neighboring Wilsonian Apartments. The entire façade is set back two feet from the property line to create a wider pedestrian environment. The lower two-stories are commercial frontage and clad with limestone to signal their different use from the five residential upper stories. The street level commercial spaces have been divided into 18-foot storefronts divided by limestone columns. The residential entry is centered on this façade and includes a recessed 588 square foot exterior courtyard, which leads to an interior lobby, similar to the Wilsonian Apartments. The upper residential stories are recessed over the exterior courtyard area.

The alley façade is six stories, one less than the University Way NE side, due to the site's grade change. The ground level is a concrete base imitating the limestone University Way façade. Parking garage access has been consolidated into one opening on the southeast corner along with the garbage / recycling room and away from the Wayfarer Cooperative building. A residential entry to a second floor elevator lobby is centrally located. The remainder of this façade contains extensive windows for the interior office use or metal trellis' to support landscape screening of blank wall sections. The five residential stories are broken into three masses to reflect the smaller scale residential context to the east and set back five feet from the lower level. The roof deck resulting from this setback extends the length of the structure and connects two 18 by 21 foot recessed deck areas dividing the three building masses. Landscape trellises and free-standing landscaping have been added for screening of deck users and activity from the adjacent residential structures.

The structure is set-back on the north and south sides five feet, the modulated portions along the alley recess are set back seven feet at the corners and 18 feet in two other sections to maximize light and minimize shadowing to the adjacent residential structures across the alley. These rear set-backs are in addition to the five foot setback of the entire structure above the second level and a required three foot setback of the structure for alley dedication.

The architectural concept and choice of materials proposes brown brick masonry along the entire residential façade of University Way and wrapping around the north and south sides. The alley façade, in contrast, will be stucco. Fenestration will provide extensive glazing of a variety of configurations but of uniform size. Juliet balconies will be provided on all residential floors in eight bays on the University Way façade and ten bays facing the alley.

Open space will be provided at the University Way courtyard (approximately 588 square feet), the second level exterior roof decks facing the alley (approximately 1,706 square feet) and the upper level roof deck (approximately 6,420 square feet). Additional open space opportunities are available on the 72 unit Juliet balconies, although these will not meet the Code dimensional requirements for balconies to count as open space.

The applicant’s continued their previous request for a *design departure* from the open space requirements and asked for a partial *design departure* from the required rear setback of building portions above 40 feet and adjacent to a residential zone.

Departures

The previous request for a *design departure* from the open space requirement remains. A *design departure* from the upper level set-back requirements was requested.

SUMMARY OF DEPARTURE REQUESTS

Land Use Code Standard	Proposed Amount of Reduction	Rationale for Request	Board Recommendation
Residential Open Space amounting to 20 percent of the structures gross floor area in residential use (SMC 23.47.024.A). (Residential balcony size is no longer a part of the previous open space departure request.)	17,266 square feet of open space is required. 8,633 square feet, or 10 percent of the gross floor is proposed in three areas: a 588 sq. ft. entry courtyard on University Way, 1,706 sq. ft. on the third level alley roof, and 6,420 sq. ft. on the roof.	The required amount of outside open space is excessive for the location. The proposed landscape roof top open space and alley facing open space will provide sufficient area for tenant only use. The provision of an open space entry courtyard will provide a semi-public area for tenant use and respond to the University Community Design Guideline of creating small pedestrian open spaces (Guideline D-1). The proposed courtyard would be open to University Way and be ringed with two sides of commercial windows and entrances and a third side with the mail residential entry. This reflects the open space court-yard entry of the Wilsonian Apartments.	Based on the drawings presented, the Board supports this request.

<p>Upper Level Rear Set-back of SMC 23.47.014.B.4.c. Portions of structures above 40 feet in height must have an additional set-back of two feet for every 10 feet above 40 feet. The approximately 56 foot parapet height requires an additional 4 foot set-back.</p>	<p>The design will continue the 15 foot set-back required between 13 feet and 40 feet to the roof in three approximately 46 foot sections. The north and south corners will additionally be set – back three and one-half feet and two 18 foot sections will be set-back 12 feet.</p>	<p>Applying a strict setback line above 40 feet would have negative impacts on the design’s overall architectural concept and responsiveness to concerns for light and visibility for the adjacent residential area. The proposed modulation will set back the entire five stories in the dimensions listed and therefore create a more interesting façade and create areas of overall larger set-back than required.</p>	<p>The Board is supportive of this request because of its overall responsiveness architecturally and for adjacency to the neighboring residential area. However they directed the architect to explore methods to increase sunlight opportunities, such as lowering the proposed parapet height.</p>
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Public Comment

Nine members of the public attended the June 6, 2005 meeting. Comments were as follows:

- Locate the proposed garbage dumpster area away from the Wayfarer Cooperative building,
- The presented design accurately captures the early 20th century building design prevalent in the neighborhood,
- It can’t be determined how the proposed structure related to the Wilsonian Apartments because no façade view of that structure was provided,
- Noise along the alley should be minimized as it is one-half residential,
- A resident of the Wayfarer Cooperative thanked Tom Ferguson for his spirit of cooperation on resolving multiple issues,
- Since the Wilsonian Apartments have virtually no private open space some method of “sharing” this projects open space should be devised,
- The University District has too little open space, consequently the alley oriented open space should be moved to University Way,
- To lessen noise to the adjacent residential areas, the alley facing open space and its associated activity should be moved to University Way,
- The proposed design is too “cookie cutter” and looks like Belltown,
- The façade is impressive,
- A concern that the alley can not handle the expected amount of project traffic,
- The alley façade should also be brick, not stucco.

Board Recommendations

Following the presentation by the applicant as well as Board questions and comments, the three Board members assessed the project based on the response to the previous design guidance developed through application of the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” and “*The University Community Design Guidelines*”.

In general, the Board members indicated that the project meets the Design Guidance that was prioritized at the EDG meeting. The Board noted that there had been considerable effort by the applicant in developing the design, including addressing the Board's and public's concerns, and working with concerned neighbors. In their deliberations on the project, the Board provided further recommendations on the selected issues, as indicated in relation to the priority design guidelines below:

A. Site Planning

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

The Board emphasized the designation of University Way as a *Pedestrian Street*, the importance of continuing and supporting retail nature of the street level, and the importance of preserving sun-light access to the street level. Toward these objectives the project should:

- Consider a street level building set-back to create a wider pedestrian environment. At a minimum this should include the first level; optimally it would include the second story.
- The first and second stories should be in one plane with minimal modulation.

DPD Analysis and Comments. The submitted project design responds to the Board guidance.

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

The residential entry and commercial entries along University Way NE should be clearly differentiated. Similar to the established pattern along the "Ave", the main commercial and pedestrian street in the University Community Urban Center (UCUC), the commercial entries along the "Ave" should be more prominent than the residential entry.

This section of University Way NE has sidewalk widths that do not provide adequate area for the current and anticipated volume of pedestrian traffic. The building siting and design should consider creating a wider sidewalk through a building setback from the property line and / or recessed entries adequate for creating a larger pedestrian / tenant / customer travel-way and ingress and egress spaces.

Toward this end, the Board would like to see detailed studies of how the retail location, entries and spaces will relate to the streetscape. Contextual suggestions for this are the traditional narrow and highly lighted store-front and overhead weather protection from canopies.

DPD Analysis and Comments. Storefronts facing University Way are designed with individual pedestrian entries and clearly separate from the residential entry. The two retail spaces that form the entry court open to the court to promote human activity. The sidewalk width on University Way has been increased by two-feet to provide a more generous pedestrian environment. The storefront spaces have been designed to reflect the traditional narrow spaces typical on the "Ave". These spaces are 18 feet wide with 15 feet of glazing.

The submitted project design therefore responds to the Board guidance.

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

The subject site is across the alley from an L-3 residential zone containing multi-family residential structures. Sunlight and view access are important environmental elements for these structures. Also, here the alley functions as more than a service way, it is an important entry point for some buildings and the “front yard” for some residential units. At the same time the proposed vehicle, service, and delivery entry(s) are proposed to be from the alley. To respect this context the design of the building should:

- Contain sufficient modulation and / or upper-level set-backs to minimize the loss of sunlight and increase of shadowing on the residential structures across the alley,
- Have the alley level façade designed to acknowledge the L-3 residential character of the facing properties, while the University Way façade reflects the NC-3 commercial character of the “Ave”,
- Locate the parking, service, delivery entry (s) away from the central portion of the site where it would have the greatest negative impact on the ground level units of the Wayfarer Cooperative.

DPD Analysis and Comments. Substantial structure modulation has been utilized on the east façade to provide increased sunlight and reduce shadowing on to the alley side of the project. In lieu of the upper level setback for portions of the residential top floor, modulation has been utilized, creating two courtyards on the east terrace. Through this variety of modulation the building is broken into three 48-foot segments and the apparent building width is reduced. This width better relates to the building scale of the adjacent lowrise zone structures. The alley façade incorporates residential design characteristics to reflect those common in neighboring residential structures. These include architectural detailing, such as cornices, horizontal banding, residential decks and railings. The building name and address will be included on the east façade. The alley level with the garage and utility entries utilize façade detailing that mirror the west façade, but reflect the surrounding residential context; these include concrete scoring to resemble large building blocks, planters, landscaped trellis, stone railings and a raised centered façade.

Based on the above design details, the submitted project design responds to the Board guidance.

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

The project proposes to provide a portion of the required open space at the residential entry that would be centrally located on the University Way façade. Other open space would be provided in unit balconies, possibly on the second story roof, and the upper story roof. A request for a departure from an undetermined portion of the open space requirement has been put forward, although further design development will be required to determine if it is necessary.

The UCUC specific design guidelines notes that there is a “severe lack of both public and private open space in the community” and that ground level open space should be designed as a plaza, courtyard, or pedestrian open space, along with other options.

The Board is “skeptical” of the proposed entry courtyard open space. It noted that although the adjacent Wilsonian Apartments has a “U” shaped courtyard entry, it is not clear how often it is used as an open space. Also, given the solid (un-modulated) plane of the first two stories the Board does not understand how what appears to be a covered entry courtyard will work. To address this concern the Board would like to see developed studies of this proposal. These studies should be submitted with the general drawings at the time of MUP (Master Use Permit) application.

The Board would consider a departure for the size of the balcony open space and possibly the overall quantity of open space provided the alternative proposed is demonstrated to better meet the open space and general guidelines.

DPD Analysis and Comments. Mid-point on the University Way façade, an open and uncovered courtyard / plaza has been included. This 31 foot by 21 foot 588 square foot area is designed to serve as an extension of the sidewalk’s public realm, as envisioned by the *UCUC Design Guideline D-1, Pedestrian Open Spaces and Entrances*, and as a transition space to the adjacent store fronts and the residential lobby. The retail and residential entries facing the courtyard will generate tenant and resident activity and thus support public safety of this area.

The provision of seating areas for public use in private plazas is one objective of *Guideline D-1, Pedestrian Open Spaces and Entrances*. At least one lineal foot of seating per 30 square feet of plaza area is recommended and can be in the form of benches, steps, or ledges. To meet the intent of this guideline the project is thereby ***conditioned*** as follows:

- A minimum of 20 lineal feet of seating area in the form of benches or ledges shall be provided in the University Way Courtyard. Seating shall be a minimum of 16 inches in depth. Seating location and amount shall be approved by the project planner prior to MUP permit issuance and shall be shown on the final approved plans.

Private usable open spaces have been incorporated on the second floor roof facing the alley and the upper roof deck. The second floor roof deck open space will be accessible to the adjacent units and thereby support a residential presence for alley safety by “eyes on the street”. The roof top open space will be the main private open space area. It will be accessible by two elevators and two stairways. It is oriented toward the west to

remove the possibility of visual intrusion and noise impacts on the residential structures to the east and to take advantage of the western territorial views and sunlight. Landscape arbors and plantings along the east side are included for screening the open space from the adjacent residential structures.

The Board and DPD feel the provided private and public open space is adequate for the size and location of this project. The street level courtyard space meets the intent of the UCUC design goal of providing usable publicly oriented courtyard open space at the street level.

Based on the provided design details, the submitted project design responds to the design guidance above. The Board therefore recommends granting the requested design departure for a reduction in the amount of on-site 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.

The Board observed that the alley serves, in many ways, as a primary façade due to the close proximity of well established residential uses to the east. In this regard, the alley façade should respect the adjacent residential uses by:

- Sensitive location of the parking and service alley entry. The entry façade, doors, ramps, and any building mechanical systems therein should be designed to minimize visual and noise impacts.

DPD Analysis and Comments. Parking and service entry doors have been relocated to the southern corner on the alley and will minimize impacts on the neighboring properties to the east. Garage collection areas are located fully inside the structure.

Based on the above design details, the submitted project design responds to the Board guidance.

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 proposed project would rise seven to seven and one-half stories from the University Way street level and six to six and one-half stories from the alley level (there is a 12 to 14 foot elevation difference between the “Ave” and the alley). The project proposes to utilize the sloped lot bonus provision of SMC 23.47.012.E, which could allow an additional height of 2.8 feet.

The Wilsonian Apartments is a seven story structure to the south and covering almost its entire site with the exception of a full height courtyard facing University Way. The zoning on this side of University Way allows structures built to the 65 foot height limit.

The Board noted that a challenge for this development will be to create a successful transition in height, bulk, and scale between this allowed 65 foot zone and the lower residential L-3 zone across the alley. To this end the building should utilize modulation and /or setbacks along the alley side. The location of residential open space roof decks and courtyards may also be appropriate here.

DPD Analysis and Comments. Two 18 by 21 foot modulated sections on the east façade have been incorporated to reduce the bulk of this façade and reflect the adjacent residential structure scale. This modulation also provides upper level setbacks greater than required by Code for these sections.

Based on the above design details and the analysis in guideline A-5, *Respect for Adjacent Sites* above, the submitted project design responds to the Board guidance.

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 surrounding architectural character is somewhat eclectic, although the circa 1920's brick and terra cotta building style predominates on the project side of University Way. A significant example of this style is the Wilsonian Apartments. Across the alley the Wayfarer Cooperative also exemplifies this general style and vintage.

Other more contemporary structures, although differing in style and materials, reflect the predominate siting pattern of the area. Buildings are built close to or on both the front and rear property lines thereby creating defined street and alley spaces. As noted in the UCUC Design Guidelines, the rhythm of the street level along University Way is established by small store fronts, many less than 50 feet wide and reflecting the underlying platting patterns.

Within this context the Board emphasized the following design guidance:

- The proposed building should express the massiveness of the Wilsonian Apartments,
- The street level retail areas should reflect the existing pattern of commercial store fronts,
- The alley serves as an entry and active façade for some units to the east. The building should respect and respond to this character.
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DPD Analysis and Comments. The building exterior design reflects the 1920's style structures that are found on University Way and in the surrounding neighborhood. Detailing includes horizontal radius facade moldings, cornice moldings, cast medallions and cast ornamental pier caps. The massiveness of the adjacent Wilsonian Apartments is reflected in the two large

masonry facades that rise from the sidewalk on University Way. Similar to the Wilsonian the proposed building has a central court breaking the façade into two masses. The street level retail spaces have been detailed to reflect those found in the 1920's style structures. Elements that define these shops include storefront doors with transoms above, larger panes of glass with the upper glazing divided into smaller lights, and sidewalk awnings. Because this project abuts an alley that is common with the residential zone to the east, the alley façade has been designed to reflect this character while including some design details from the storefront façades on University Way. For example, the grid pattern in the concrete base is continued on the alley side with a central arched parapet but on a smaller scale.

Based on the above design details, the submitted project design responds to the Board guidance.

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.

All massing schemes presented to the Board had an almost full property foot-print for the first two stories with upper stories setback around all sides. All schemes also propose a substantially sized and centrally located residential entry on University Way. Alternatives 2 through 4 retain the foot-print of the first two stories but break up the upper story massing through a variety of modulation alternatives which create opportunities for increased window area and courtyard spaces on the second floor roof. The Board appreciates these opportunities for reducing the building mass, increase window area, and create courtyard for possible open space. However, the Board observed that the relatively large amount of modulation produces an almost formulaic symmetry that works in opposition to the massing of this sites predominant architectural context, the Wilsonian Apartments, and to a lesser extent, structures along the alley and the Culp Apartments on the corner of NE 47th Street. The Board also noted that the massing of the proposed and preferred alternatives seemed overly driven by the internal program.

The Board noted that any building should:

- Vary the massing through the controlled use of modulation that will respond to the surrounding architectural context,
- Use brick extensively,
- Maintain planar street and alley facades for the first two stories,
- Create a strong two-story expression along the "Ave",
- Reflect the established rhythm of the store front spaces along the "Ave",
- Emphasize the retail space entries over the residential entry. The street level is predominantly retail oriented. The residential entry should be well designed, easy to find, and inviting.
- Have a design based on external design concerns and not be solely driven by internal programmatic concerns.

DPD Analysis and Comments. The structure massing of the west façade is comprised of two sections with a centralized courtyard. The structure massing of the east façade has been broken into three smaller elements creating two large and two smaller rooftop courtyards. The stucco on the east façade presents a softer appearance to the residential uses facing the alley and allows for a broader exterior color selection. Brick will be used on the west façade to respond to the adjacent Wilsonian Apartments and other University District structures. The base of the brick façade is comprised of large blocks of limestone. The change in material, color and scale emphasize the two-story commercial façade. The residential entry is centered on the west façade (University Way) and is characterized by a large two-story window façade surrounded by limestone columns. The exterior court acts as a “pre-entry” inviting pedestrians into the main lobby. The recessing of the residential entry in the courtyard places it secondary to the street facing commercial entries. The symmetrical building façade reflects those found in numerous 1920’s style buildings in the Seattle area. This symmetry has been continued to the east façade.

To achieve a consistency and smooth transition between the University Way façade and the stucco along the building north and south sides, the design will be conditioned as follows:

- The façade brick shall be continued to the west side (University Way side) of the first column of all north and south windows.

Based on the above design details, the submitted project design responds to the Board guidance.

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

The project proposes to have substantial modulation in part to allow for extensive fenestration that will create a human scaled connection between residential tenants and the street. This is a valuable goal that should be retained and achieved while following the guidance in *Guidelines C1 and C2* above.

The “Ave” retail facades should incorporate the rhythm of the established store front spacing, fine scale of detailing created by the use of brick, and extensive commercial space transparency.

DPD Analysis and Comments. The fenestration pattern includes numerous and large windows for each unit interspersed with Juliet balconies accessed by double doors and side lights. The result is an achievement of human scale at the project upper levels. The retail facades are broken into 18-foot modules with 15-feet of storefront glazing in each module, a pattern common to the University Way street frontage. Detailing in brick and stone enhance the human scale as will the addition of awnings covering the sidewalk on University Way.

Based on the above design details, the submitted project design responds to the Board guidance.

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.

Materials used should reflect the historic / early 20th Century choice of materials. Use of more modern materials is appropriate if woven into the established and predominant use of materials.

DPD Analysis and Comments. Based on the material choices presented in the project plans and described above in this report, the submitted project design responds to the Board guidance.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

University Way is classified as a Pedestrian Street. The Land Use Code requires that a minimum of 80 percent of the street façade be in commercial use. The building design should support this classification and the sidewalks existing lively and interactive pedestrian ambiance through appropriately sized and spaced commercial entries.

The project proposes to have a large residential entry integrated with a possible courtyard space. The courtyard was discussed by the project proponents as a substitute for some required residential open space. A courtyard space may be a benefit to the residential street level but must respect the prominence of the retail entries and the commercial façade.

DPD Analysis and Comments. Eighty four percent of the street front façade is contains commercial/retail use, encouraging pedestrian activity. The remainder is comprised of the entry court, which is fronted on two sides by retail / commercial frontage. The entry facade provides access to the upper commercial space as well as serving as the “front door” to the apartments.

The proposed entry courtyard will provide a pedestrian open space extension to the University Way sidewalk, as encouraged by *UCUC Design Guideline D-1*. This area will provide a space outside of the busy travel zone of the sidewalk for pedestrians and retail space customers. It will also provide a semi-public open space transition from the private lobby to the street.

Based on the provided design details, the submitted project design responds to the design guidance above. The Board recommends granting the design departure for a reduction in the amount of on-site open space as outlined in the *Design Departure* table above.

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.

As outlined above, the proposed project must be designed to respect the presence of the existing residential uses that face the alley and use it as more than for service access. Dumpsters, utility risers and equipment and service areas should be located away from any ground level residential units. This ally façade should be designed to reflect these concerns.

DPD Analysis and Comments. Dumpsters, utility risers, equipment and service areas that face the alley will be located within the structure. Ample space has been provided to prevent the future build up of alley side dumpsters.

Based on the above design details, the submitted project design responds to the Board guidance.

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.

A fully developed landscape plan should be submitted with the MUP submittal.

DPD Analysis and Comments. The submitted landscape plan includes landscaping in the University Way courtyard, at the second roof level deck, and on the roof deck. Landscape “green screening” will screen the small areas of blank wall facing the alley. The project owners are sponsoring (paying for) lamppost sculptures on the sidewalk in front of both the Wilsonian and the proposed project in the right of way, which can be used for hanging decorative flower pots.

Based on the above design details, the submitted landscape plan responds to the Board guidance.

Summary of Board Deliberations on the Departure Requests and Final Recommendation

The three Board members unanimously recommended granting the departure request for a reduction in open space. The Board unanimously recommended granting the departure request from the upper level set back provided the parapet heights of the building sections not conforming to the set-back requirement are reduced “as much as possible” without negatively affecting the architectural consistency. It directed the architect to work with the project planner on this issue.

The three Board members unanimously recommended approval of the design as presented at the June 6, 2005 Recommendation Meeting provided the final design responds to any and all conditions and is approved by DPD.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

As noted in the above discussion of the design guidance of highest importance to this project the proposed project, following the integration of the design guidance given at the two Design Review Board meetings, meets the intent of the design guidance given at the Early and Recommendation Design Meetings.

The reduction in open space is deemed appropriate given the addition of a street level public courtyard in accordance with UCUC Design Guideline XXX and the high quality of the proposed private open space. The departure from the upper level setback for the alley facade is appropriate considering the set-back / modulation provided elsewhere on that facade and the reduced parapet height in the non-set back areas as reviewed and approved by the project planner.

DECISION - DESIGN REVIEW

Based on the plan updates presented at the applicant's final Design Review meeting and further plan updates presented to the project planner in response to final Board recommendations, the Director finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. Along with any *non-appealable, building permit, and pre-Certificate of Occupancy* conditions, the Director grants the Departures as requested and **CONDITIONALLY APPROVES** the proposed design.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated February 28, 2005 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 site de-watering,
- Increased demand for parking from construction equipment and personnel,
- Increased noise levels,
- Disruption of adjacent vehicular and pedestrian traffic,
- Decreased air quality due to suspended particulates (construction dust) from building demolition, excavation, and construction and hydrocarbon emissions from construction vehicles and equipment.

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 and shoring for foundation purposes, 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 Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Puget Sound Clean Air Agency regulations require control of fugitive dust 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 construction noise and increased construction personal parking demand, and therefore warrant further analysis.

Noise

The project site is adjacent to numerous residential units. The Wilsonian Apartments directly to the south contains 92 units. Across the alley to the east the entire block front on 15th Avenue NE, with the exception of a church at the north end of the alley on NE 50th Street, contains multi-family residential buildings. Within one and one-half block to the west, north, and east beyond the project site the uses are predominately multi-family structures. Due to the proximity of these residential dwellings, further conditioning is required to address noise impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. For excavation hauling and large (semi) truck deliveries, truck operating times shall be limited according to the conditions in *Transportation* below. In addition, only low noise impact work such as that listed below shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions, which arise from unforeseeable circumstances and that will cause significant delays and prohibit normally allowed weekday work, when critical construction activities of an emergency nature or related to issues of safety, which could substantially shorten the total construction time frame if performed in the evenings and on weekends. To this end, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Parking

Construction of the project is proposed to last for several months. Due to the limitations of on-street parking in the area, parking impacts from construction are likely.

Demand for parking by construction workers during construction is likely to exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. However, once the parking garage phase is completed it is anticipated that some workers will be able to park on-site and for the remaining duration of construction activity. To mitigate the anticipated parking impact the project is conditioned as follows:

- The owner and/or responsible party along with the general contractor shall provide off-street parking for the expected construction personnel (employees and subcontractor employees) and / or develop and implement an alternative transportation plan for these personnel. The plan shall require off-street parking and shall identify the parking lot(s) to be made available for construction phase workers. The general contractor shall notify all sub-contractors of the location, availability, and requirement to use off-street parking lots.
- The owner, responsible party, or general contractor shall submit this construction phase transportation / parking plan to the project planner for review and approval before issuance of project building permits. Following approval of the plan, the plan requirement for off-street parking and its location shall be posted at the construction site (street and alley sides) for the duration of construction activity.

The authority to impose these conditions is found in Section 25.05.675.B.2.g of the Seattle SEPA ordinance.

Pedestrian Circulation

University Way NE adjacent to the project site is classified as a *Pedestrian Street* per the Land Use Code. It is heavily traveled by pedestrians and crucial to the areas pedestrian transportation system. To avoid conflicts with pedestrians and minimize impacts on vehicle circulation on University Way, SDOT has approved the closure of the sidewalk in front of the project site for a period of approximately 12 to 16 weeks. Pedestrian traffic will be diverted to the west side of University Way. This closure allows the existing parking lane and sidewalk area in front of the project site to allow trucks for hauling excavation material and, later, for delivery of materials to be fully out of the single north-bound travel lane.

Transportation

Truck traffic for hauling building demolition materials, excavation and deliveries of new materials will be necessary during construction. University Way NE is a Class 3 arterial, the principal commercial street in the University District, and a major north to south thoroughfare for numerous bus routes. The alley adjacent to the project site is the main vehicle access for numerous parcels on both sides of the alley. Based on an estimated excavation of 15,000 to 20,000 cubic yards of earth material excavation hauling, expected to continue for approximately 10 to 12 weeks, anticipated impacts from this traffic are increased noise, dust and fumes, and strain on traffic flow and circulation. Consequently a truck routing and transportation plan would be required.

A truck routing plan was submitted by the project contractor and approved by SDOT. Trucks will arrive in the University District from Interstate 5 onto eastbound NE 45th Street. They will go southbound on Roosevelt Way NE to NE 43rd Street, proceed to University Way NE where they will go northbound to the University Way NE side of the site. Trucks will pull onto the closed sidewalk and parking lane adjacent to the site and be completely out of the single northbound travel lane. Upon leaving the site trucks will proceed north on University Way, turn left on NE 50th Street and return directly to I-5. A wheel washing facility will be available at the site and will be used as necessary before trucks leave the loading site.

Truck traffic from excavation hauling and material delivery during construction will likely cause substantial delay to traffic adjacent to the site and on the surrounding street system if done after 3:30 PM, which is the beginning of the PM peak hour (rush hour) traffic time. To mitigate impacts on the general PM peak hour times the project is conditioned as follows:

- Excavation hauling and large delivery (semi) truck traffic shall be limited to the hours of 7:00 to 3:30 weekdays and with no truck hauling traffic on weekends.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased demand for public services and utilities; increased height, bulk, and scale on the site; increased area traffic and demand for parking;; increased light and glare; the loss of buildings more than 50 years old (including the Wilsonian Ballroom); and adjacency to a designated Historic Landmark, the Wilsonian Apartments.

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. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, the anticipated increase in traffic and parking demand, the demolition of a number of early 20th Century buildings, and adjacency to a designated Historic Landmark, potential impacts warrant further analysis and possible mitigation.

Height, Bulk, and Scale

The proposed seven-story project will rise to approximately 68 feet to the top of the roof along the site's low side on University Way NE, plus an additional three feet for the parapet, and approximately 55.8 feet to the top of the roof along the site's low side fronting the alley, plus three feet for the higher parapet and one and one-half feet for the lower parapet. The site's zoning of Neighborhood Commercial 3 with a 65' height (NC3-65) occurs north and south on both sides of University Way NE. To the east and adjacent to the site the zoning is Lowrise 3 (L-3) with a height limit of 30 feet plus five feet for roofs greater than a certain pitch and any sloped lot height bonus that may be available.

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 adopted Land Use Policies...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."*

The proposed project is being developed to NC 3-65 standards and is utilizing the sloped lot bonus provisions of SMC 23.47.012.F for a height bonus of 2.8 feet on the University Way NE (low) side of the building. The project is below the allowed height limit on the alley side where it is adjacent to the L-3 zone and residential structures. The project requested a design departure from the upper level set-back for portions of a structure above 40 feet and adjacent to a residential zone. The Board recommended the granting of this departure based on how this minor departure improved the overall design of the proposed project. The Director is granting this design departure as outlined in A-5, *Respect for Adjacent Sites* and referenced in B-1, *Height, Bulk and Scale Compatibility* above. Based on this analysis the proposed project is in keeping with the scale potential of the zone and adjacent L-3 zone as well as that of the existing structures in the vicinity.

The discussion in the previous paragraphs indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, therefore, 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

The project will create 125 new dwelling units (40 studio, 75 one-bedroom, and 10 two-bedroom units), 14,648 square feet of office space, and 9,500 square feet of retail space. The demolition of the existing structures will remove 2,604 square feet of office space, 16,217 square feet of retail space, and the 2,403 square foot Wilsonian Ballroom.

An analysis of the expected trip generation and distribution of project traffic was conducted by the applicant's transportation consultants, Garry Struthers Associates, Inc., dated October 19, 2005, and submitted to DPD. The report used data for these types of uses by Institute for Transportation Engineers (ITE) and estimated the addition of 1,096 "average weekday (vehicle) trips" (AWDT) from the new development while the removal of the existing uses will result in a reduction of 689 AWDT's, for a net unadjusted trip increase of 407 average daily vehicle trips.

ITE data is based on generalized data that does not reflect the unique trip making characteristics of the proposed uses in this project and of the University District urban area, with its public transportation and walking options. Consequently, the following two adjustments were made to the above expected trip generation: the *Internal Capture* (the percentage of apartment residents who are expected to use the one-site commercial and office uses, and, therefore not use the street system to do so) and a *Mode Reduction Adjustment* (to reflect the lower trip generation characteristics of the University District, unlike the ITE data, which is derived from studies in areas where there is little non-automobile trip making, e.g. public transportation, bicycling or walking). The Mode Reduction Adjustment is comprised of two parts: a factor based on the Puget Sound Regional Council *Journey to Work* data from the 2000 U.S. Census and a 2005 written survey of the residents of the adjacent Wilsonian Apartment Building using the same questions as the Journey to Work survey.

The adjusted results show an expected 44 daily trips in addition to the current traffic generated by the existing uses on the site. Less than seven additional PM peak hour trips are expected. Based on the experience of DPD's transportation planner these volumes would have little perceptible impact on the levels of functioning of the surrounding streets and intersections, therefore SEPA conditioning for transportation impacts under SMC 25.05.675.R is unwarranted.

Parking

Increased parking demand from this project is anticipated and thus warrants further examination. Currently, the site contains 20 parking spaces, which are accessed from the alley. The project proposes to provide 126 parking spaces. One hundred twenty five residential parking spaces are required. No retail parking is required for projects with less than 25,000 square feet of retail space in NC 2-65 zones with a Pedestrian 1 (P-1) designation. The proposed *administrative office* use requires 15 parking spaces.

The project is utilizing the shared parking reduction of SMC 23.54.020.G.2.d, which allows up to a 50 percent reduction in the number of residential parking spaces if sharing parking with an office use. However, the reduction can not exceed the required number of spaces for the office use. Based on the proposed office square footage and required 15 parking spaces, the maximum reduction is 15 spaces, therefore 125 parking spaces (110 residential - after reduction of 15 spaces – plus 15 office spaces = 125 spaces total) for the project are required by Code.

The findings and discussion under *Traffic and Transportation* above indicate vehicle trip generation for the proposed types of land uses in this highly urbanized context with facilities for alternative modes of transportation, such as public transportation, walking, and bicycling. Based on the experience of the project land use planner and DPD's transportation planner in the application of the Land Use Code parking requirements in similar situations, the provided parking is adequate for this project and no mitigation is required.

Historic Preservation

The proposed development site contained four buildings older than 50 years. Submitted public comment suggested that the buildings should be considered *historic*, according to the City's Landmark's Preservation Ordinance (SMC 25.012). In accordance with the DPD / Department of Neighborhoods (DON) Interdepartmental Agreement on Review of Historic Buildings during SEPA Review, buildings with the above characteristics shall be referred to the City's Historic Preservation Officer (HPO) for a determination whether any of the structures appear to meet the designation criteria for Landmark status. Following this referral the Historic Preservation Officer determined that the Lewis Building, the Earl's Restaurant building (former Wilsonian garage), the Wilsonian Ballroom, and the Wilsonian Apartments were eligible for Landmarks nomination. Nomination materials were submitted by the applicant and a Nomination Hearing before the Landmarks Preservation Board (LPB) was scheduled for August 17, 2005.

The Landmarks Preservation Board denied the Lewis Building nomination and approved the nomination for the Earl's Restaurant building (former Wilsonian garage), the Wilsonian Ballroom, and the Wilsonian Apartments. The Landmark's Preservation Board held a *designation* meeting on September 21, 2005. At the *designation* meeting the Board voted to designate the Wilsonian Apartment building only (See LPB report 402 / 05).

Pursuant to the DPD / Department of Neighborhoods (DON) Interdepartmental Agreement on Review of Historic Buildings during SEPA Review, if the LPB does not approve a nomination for designation, or the Historic Preservation Officer determines that a structure does not appear to meet the designation criteria, the project shall not be conditioned or denied for historic preservation purposes pursuant to SEPA authority. However, if a project is adjacent to a designated Landmark, such as the designated Wilsonian Apartment building, the project must be reviewed by the Historic Preservation Officer to determine if mitigating measures to achieve compatibility between the proposed project and the Landmark are appropriate.

The proposed project plans and other required materials were sent to the Historic Preservation Officer on November 15, 2005 and reviewed for adjacency impacts on the Wilsonian Apartments. On November 20, 2005 the HPO determined that mitigation to the architectural design of the proposed project is not necessary to achieve compatibility with the Wilsonian Apartments.

Based on the above process and findings, and pursuant to the Interdepartmental Agreement cited above, no SEPA conditioning of the proposed project for Historic Preservation impacts is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

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). Any proposed changes to improvements in the public right-of-way must be submitted to DPD and SDOT for review and final approval.
2. The building constructed shall comply with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements). 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 (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. 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 all departures on relevant updated MUP plan sheets and building permit plan sheets.

Design Review Conditions

1. A minimum of 20 lineal feet of seating area in the form of benches or ledges shall be provided in the University Way Courtyard. Seating shall be a minimum of 16 inches in depth. Seating location and amount shall be approved by the project planner prior to MUP permit issuance and shall be shown on the final approved plans.
2. The façade brick shall be continued to the west side (University Way side) of the first column of windows on both the north and south facades.

Prior to Issuance of the Building Permit

1. The design shown in the building permit plans must be reviewed and approved by the project planner to verify conformance with the approved MUP design.

SEPA CONDITIONS

Prior to issuance of any Construction or Grading Permits

1. The owner(s) and/or responsible party(s) shall submit and receive approval from the DPD project land use planner for the construction phase parking plans and from SDOT for the construction phase transportation plan. The plans shall address the following:
 - Ingress/egress of construction equipment and trucks;
 - Truck access routes, to and from the site, for the excavation and construction phases;
 - Street closures;
 - Location of employer provided off-street parking for its employees.

Construction Conditions

1. The construction phase transportation plan and parking plan, with the location of and the requirement to use the off site employer provided parking, shall be posted at the construction site for the duration of construction activity. Parking for construction workers may be provided on-site as soon as the garage is completed and usable for employee parking.
2. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities, except as listed in *Condition #3* below, shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and

approval of a noise mitigation plan that would then be posted on site for public view). In addition, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

- Surveying and layout;
- Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

Any conditions to be enforced during construction shall be posted at each street abutting 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. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

3. Excavation hauling and large delivery (semi) truck traffic shall be limited to the hours of 7:00 to 3:30 weekdays and with no truck hauling or delivery traffic on weekends.

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

Date: February 9, 2006