



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D.M. Sugimura, Director

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

Application Number: 3002984
Applicant Name: Kevin Cleary and Tom Frye, Baylis Architects for Wallace Properties
Address of Proposal: 507 NE Northgate Way

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for the future construction of a six story building with 52,896* square feet of retail commercial use at the ground levels and 161 residential units above. Parking for 342 vehicles to be provided in a below-grade garage within the structure. Project includes the demolition of one commercial structure.

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:

- 1. Entries greater than three feet above the finished floor – To have entries greater than feet above the finished floor (SMC 23.71.008.B5)**
- 2. Transparency – To provide less than the required transparency (SMC 23.71.008.F1)**

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions**
 DNS involving non-exempt grading, or demolition,
 or involving another agency with jurisdiction.

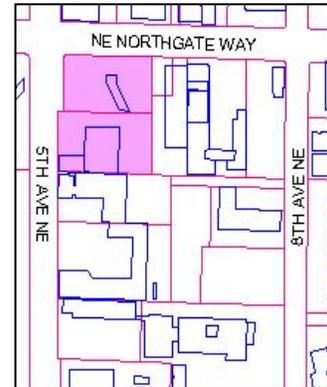
* Commercial use may range from between 52,896 square feet to 55,480 square feet.

**Notice of early DNS was published February 2, 2006.

BACKGROUND DATA

Site & Vicinity Description

The subject property is located in a Neighborhood Commercial 3 (NC3-65') zone with a 65-foot height maximum. The entire site is approximately 1.5 acres and slopes down towards the east for a grade change of approximately ten feet. The block containing the subject lot is defined by 5th Avenue NE to the west, NE Northgate Way to the north and 8th Avenue NE to the east. Both 5th Avenue and Northgate Way are designated Major Pedestrian Streets. No alley accesses the site. The site is located within the Northgate Overlay district.



Proposal

The proposal includes demolition of one existing commercial structure and the construction of a new mixed-use building. The new structure would be six stories with ground level commercial uses (52,896 square feet), below grade parking for 342 stalls and 161 units above the retail base. Access to the site would be from both NE Northgate Way and Fifth Avenue NE.

Public Comments

Fourteen members of the public were present at the Early Design Guidance meeting held on August 15, 2005 and public comments and clarifying questions focused on the following issues:

- Clarifying that the loading zone will be located at the rear of the site and noting concern that truck traffic not impact the traffic circulation on surrounding streets;
- Desire to protect the walkway along the Sleep Country store to the east of the site;
- Support for Option Three because of the opportunity to create residential uses in this location;
- Support for creating an interior street as a mid-block connector;
- Suggest that Options One and Three be combined and have the corner entry plaza shown in Option Three and the mixed-use program shown in Option One has better flow and circulation;
- Object to design and appearance of the Target development to the northwest of the subject site;
- Clarification that proposed residential uses will be apartments;
- Advocate for mid-block connectors that can accommodate both pedestrians and cars;
- Clarification of the right-of-way dedication along 5th Avenue;
- Interior street should have parallel parking;
- Clarification of the number of parking spaces and residential units;
- Suggest that Northgate needs some neighborhood bars;
- Would like to see covered walkways, overhead weather protection and privately maintained public walkways;
- Advocate a green building design;
- Note the safety guideline for the underground parking, interior crosswalks and sidewalks;
- Support a pedestrian streetscape that includes landscaping, texture, less concrete, exterior lighting and a play area for kids;

- Would like to have an open space developed at the corner that is usable, light , open and contains creative elements;
- Support the use of brick and wood materials; and
- Stress that the location and size of the proposed development is a highly visible, cornerstone in the Northgate neighborhood that can help establish a precedent for high quality development in the area.

Nine members of the public were present at the Second Early Design Guidance meeting held on December 5, 2005 and public comments and clarifying questions focused on the following issues:

- Concern that proposed plaza includes numerous stairs, leaving little flat space for usable or functional activities – would like to see opportunities for gathering spaces included in the plaza design, as well as maintain the potential for retail uses to spillover onto the plaza open space.
- Suggest that the proposed freestanding canopies should be more functional (provide weather protection).
- Clarification that the retail space shown at the belvedere level can be divided into four or less retail spaces.
- Support for the second floor retail.
- Concerned that transparency along 5th Avenue will be compromised by a major retailer tenant.
- Suggest that interspersing the smaller retail with the major retailer would help reduce the huge size of the large retail spaces. Perhaps flanking the larger space with two smaller spaces would work well with the proposed program.
- Support the residential entries at the corners to help animate these spaces near the driveways.
- Would like to better understand how both the access and loading dock areas will be from Northgate Way.
- Concerned with the proposed metal siding as too metallic and reminiscent of Northgate North – a softer more residential look would be preferred.
- Clarification that there will be access to the site from 8th Avenue NE, but that semi trucks would not use 8th Avenue.
- Clarification that the 5th Avenue streetscape improvements will not reduce the proposed 16-foot sidewalks along 5th Avenue.
- The north façade of the west tower reads as more of a blank wall and should be more active and more articulated.
- Reinforcing that the Northgate Design Guidelines specifically state that transparency should be provided from the pedestrian viewpoint to the interior of the retail space.
- Suggest that the residential entries should be further emphasized and relate to the sidewalk space.
- Suggest that a paving material, color, texture across the driveways help identify the sidewalk as a pedestrian zone.
- Note that the vertical icon shown in the plaza should not be an opportunity for commercial signage.
- Reinforce that pedestrian scaled blade signage is preferred along with pedestrian scaled lighting per Northgate Design Guidelines.

- The building design should include a grand entrance (at the plaza) that is welcoming and pedestrian scaled.

One member of the public was present at the Final Recommendation meeting held on June 5, 2006. Public comments and clarifying questions focused on the following issues:

- Clarifying location of commercial entries along Northgate. [*Five evenly spaced entries were shown on the plans and elevations.*]
- Anticipated pricing of proposed residential units. [*Market rate*]

The SEPA comment period for this proposal ended on February 15, 2006. Four comment letters were received focusing on the following issues:

- Request to be listed as a Party of Record.
- Interest in being notified of additional details on the proposed development.
- Concerned with the increased traffic on 8th Avenue, already a congested street. Would like to see a pedestrian overpass included. Also concerned that not enough parking is being provided.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the first EDG meeting, the development proposal included the design and construction of two mixed-use buildings constructed in two phases. Phase One would include 44,640 SF of street level commercial retail uses with four floors of approximately 186 residential units above. Parking for Phase one (approximately 340 stalls) would be located below grade. The Phase Two proposal included 52,231 SF of street level retail with five floors of (approximately 190 units) residential uses above and below grade parking for approximately 375 vehicles. Vehicular access was proposed from all three streets abutting the site: NE Northgate Way, 5th Ave NE and 8th Ave NE.

At the second EDG meeting, a revised development proposal was presented (see lower map) with a reduced site that includes only those two parcels that front onto 5th Avenue NE, one of which is the corner parcel wrapping around onto NE Northgate Way. The proposal includes one mixed use structure with 50,000 square feet of retail at the ground level and a belvedere level, 2-3 levels of below grade parking and 164 residential units on four floors above the commercial base. Access is proposed from NE Northgate Way and 5th Avenue NE.

The applicant presented three alternative design schemes. All of the options include below grade parking, vehicular access from 5th Avenue, 8th Avenue and NE Northgate Way and phasing of construction. The first scheme (Option A) illustrates three mixed-use, multi-story buildings with retail on the ground floor and residential units on the floors above. Interior streets separate the three buildings. The second scheme (Option B) includes two one-story commercial retail buildings. The third scheme (Option 3), preferred by the applicant, proposed two mixed-use buildings separated by an interior street running north-south and located approximately mid-block. Both of these buildings would have retail on the ground floors and residential units on the floors above. This scheme shows a corner plaza and retail entrance at the intersection of NE Northgate Way and 5th Avenue.

The Architect noted that the main design objectives for this site included creation of a gateway, a pedestrian friendly street level façade, multiple building masses and interior block connections due to the large size of the site.

The applicant presented a reduced project size and scope (described earlier). The conceptual design elaborates on the preferred scheme shown at the first EDG meeting. This scheme includes a mixed-use project with a tall commercial base that provides space for both a major retailer fronting onto 5th Avenue NE, smaller retail spaces fronting onto NE Northgate Way and a belvedere level of commercial space above the NE Northgate Way retail spaces. Above this commercial base are two residential towers separated by a common courtyard area that runs from the north side of the building to the south. The residential entrance for the west tower is shown at the southwest corner of the structure facing 5th Avenue NE and the residential entrance for the east tower is shown at the northeast corner of the structure, facing NE Northgate Way and abutting the proposed driveway. All of the parking is provided below grade and an interior two-way access driveway is shown running along the east and south property lines with curb cuts onto both NE Northgate Way and 5th Avenue NE. A square shaped notched out corner plaza is shown at the intersection of NE Northgate Way and 5th Avenue, including retail entrances from the adjoining commercial spaces. The proposed sidewalks abutting the site on both NE Northgate Way and 5th Avenue NE are proposed to be 16 feet wide.

The Design Review Board reviewed the final project design on June 5, 2006, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Recommendation meeting, the project proposal had evolved to eliminate the belvedere level along Northgate Way, include an eight foot setback along Northgate Way, a reconfigured massing of the residential portions of the building into a U-shape, a single point of entry to the garage and included multiple and flexible points of access to the Northgate retail space. The residential courtyard at the upper level was simplified, as was the corner plaza area at the corner.

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 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* of highest priority to this project. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in bold text.

A. Site Planning

A-2 STREETScape COMPATIBILITY

Siting of buildings should enhance the existing desirable spatial characteristics of the right-of-way.

The Board wants to see a design that offers well-detailed elevations for all sides of the buildings given their visibility from both within and beyond the site. The storefront details (transparency, signage, etc), canopies, street trees and materials will all be important factors for the Board's review of a successful building. The Board

agreed that the corner plaza is a positive configuration that should be developed as a highly usable pedestrian space. The Board also wants the design to provide wide sidewalks that incorporate well-landscaped planting strips. The Design Review Board agreed that, where possible, elements of the Northgate Neighborhood plan and the 5th Avenue Streetscape plan should be incorporated into the proposal.

At the second EDG meeting, the Board was pleased that a paving change was shown at the Northgate driveway, where it intersects with the sidewalk helping to alert drivers that they are crossing a pedestrian sidewalk zone. The Board noted that similar treatment should be shown at the 5th Avenue driveway. The Board also stressed that the design address the jog in the sidewalk alignment between the project site and the sidewalk to the south of the site along 5th Avenue NE.

The Board also noted that the proposed belvedere level should include clear points of access from both ends or have clear points of termination.

At the Recommendation meeting, the belvedere configuration had been eliminated. The Board continued to recommend the differentiated paving at both driveways.

A-4 HUMAN ACTIVITY

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

The Board focused on the importance of the sidewalk area and right-of-way abutting the site as critical spaces that should contribute to the human activity of the street. The design of the ground level commercial space should interact with and enhance the pedestrian environment. The Board suggested including the use of seating and generous landscaping within raised planters or other containers along the right-of-way. A final judgment regarding the quality of the right-of-way design will be based on the materials, width, landscaping, decorative features, hardscape design and pedestrian orientation of this space and its interaction with the street facing façades of the proposed structure.

At the second EDG meeting, the Board enthusiastically supported the generous plaza cut out at the northwestern corner of the site. The Board discussed at length how this plaza could be best programmed given the busy, active and noisy automotive character of this intersection. The Board noted that designing the plaza to emphasize and capture this quality of motion will likely create a more successful urban space. That said, the Board felt that the proposed design should be simplified by reducing the number of competing planes (vertical icon, signage, floating awnings, stairs, etc). Of the three plaza studies presented, the Board most preferred the elements of the third scheme. The Board would like to see further study of this plaza design that reduces the size and location of stairs between the sidewalk and the plaza and allows more space for seating or spillover of the retail uses. Despite the active nature of the

plaza, designing places for people to sit and linger is desired. Functional overhead weather protection is also an important feature to include.

The Board recommended that as long as visual views across the plaza are preserved, the slope of the sidewalk could be used to create some grade separation between the plaza and the sidewalk. The Board also suggested that the elevator should more accessible directly from the plaza and integrated into the plaza design.

The Board also stressed that including entrances to the retail spaces on both sides of the plaza will be critical for encouraging the pedestrian flow to circulate to this corner plaza and keep it well-utilized. While an entrance to the major retail space was shown on the south side of the plaza, the Board expressed concern that the proposed smaller retail space to the east did not have direct access to the plaza. The proposed design instead showed access to the plaza from the upper belvedere-level retail space via a set of stairs. The Board agreed that having the direct connection to the retail is important and that breaking this connection with stairs is less desirable. The Board also noted that the belvedere level should be more visually apparent.

At the Recommendation meeting, the Board was pleased with the re-designed corner plaza that has been simplified to create a larger level surface that will be more usable, as well as connect directly to the second level of retail. The Board offered some recommendations regarding treatment of the stair tower and providing a vertical focal piece of art work. See discussions under A-10 and D-2.

A-7 RESIDENTIAL OPEN SPACE

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

The Board specifically addressed the landscaping around the perimeter of the site as it relates to the public realm, but also noted that the interior open spaces, decks and other residential open spaces deserve special attention with residential character. The spaces should be sized to accommodate gatherings, well-landscaped and integrated seating and overhead weather protection.

At the second EDG meeting, the residential entries were shown at the building corners, abutting the driveways. While the Board liked this placement of these entries, they agreed that the design of the entry court areas needs further examination and emphasis. These spaces should be accentuated as inviting, safe residential entries that pull the pedestrian around the corner from the retail storefronts. The Board also noted that the residential entrances should be set back from the storefront façade further distinguishes the commercial uses from the residential.

At the Recommendation meeting, the Board recommended that the paving adjacent to the Northgate residential entrance be differentiated to create a safer and more distinguished area for residents using this entrance.

Recommended Condition #1: The paving (pathways and parking spaces) adjacent to the Northgate residential entrance should be differentiated from that of the driveway and sidewalk.

A-8 PARKING AND VEHICLE ACCESS

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment.

The Board expects to review a vehicular circulation plan that relates well to the garage entrances and integrates traffic calming devices and features. The Board was willing to entertain a driveway off of Northgate Way, but need to be convinced that such an access point is necessary and can be designed to be pedestrian-friendly, safe and aesthetically appropriate.

Staff Note: This portion of NE Northgate Way is a designated pedestrian street and arterial. Vehicle access from this street requires consent from DPD and SDOT. 5th Avenue is also a designated pedestrian street and access from this street also requires the same level of inter-agency consent. This issue has been resolved with an access easement over the abutting property.

A-10 CORNER LOTS

Buildings should be oriented to corner and public street fronts. Parking and automobile access should be located away from corners.

The Board stridently argued that while they support the corner commercial entrance, they do not want to see design focus at this corner entrance at the expense of other entrances along the block face. The Board would like to review alternatives for the building corner design which strives to signify the corner as a gateway to the Northgate neighborhood. Design alternatives could include a tower, public art or water feature at the corner, as well as special pavers and other details. The corner plaza should be a substantial size to draw attention to this prominent intersection.

The Board also noted that the retail uses should wrap around the corner to the interior 'street' to help animate this space as it does for the sidewalk. The Board discussed designing the interior street as a muse or *woonerf* that is able accommodate traffic and pedestrians in an aesthetically pleasant manner.

At the second EDG meeting, the Board supported the concept of creating a strong vertical icon to be located in the corner plaza. Such a feature allows the possibility of creating a recognizable community landmark. However, the Board is adamant that this vertical element is not an opportunity for retail signage. Instead, the Board would like to see this feature as a piece of public art.

See discussion under A-4 and A-7.

At the Recommendation meeting the Board was pleased with the design of the corner plaza and agreed that it was vastly improved. The Board recommended, however, that as a gateway on a prominent intersection, the plaza continues to need a strong vertical piece of artwork that reads as a signature element. (See Related Condition)

C. Architectural Elements

C-3 HUMAN SCALE

Design should incorporate architectural features, elements and details to achieve a human scale.

Most important to the Board are human scaled, pedestrian friendly and well-detailed street fronts. The Board noted that this prominent intersection is perceived as a gateway to the Northgate neighborhood. The design should therefore enhance this highly visible corner to elevate this “gateway” role.

The Board would also like to review a lighting plan and show how the proposed lighting scheme is compatible with the streetscape. The Board expressed a preference for the inclusion of unique light standards, benches, planters and other features which help contribute to an active and comfortable pedestrian environment.

At the second EDG meeting, the Board reiterated the expectation that the commercial base should include pedestrian-scaled fixtures, canopies and signage. Also, the commercial and residential entries should be differentiated at the pedestrian level.

The Board discussed the setback of the north façade and agreed that the setback needs to be more heavily designed and that the inclusion of landscaping and lighting should be used to accentuate this break.

The Board agreed that the two residential towers need to better relate to each other, as do the north and west facades. The Board liked the design of the west façade, but felt that this same level of design, articulation and interest was not shown on the north façade and that it should be addressed in the design development.

At the Recommendation meeting, the Board discussed the proposed crème colored band of stucco and concrete along the Northgate Way façade and agreed that the use of this color for the entirety of the second level created a dominant, heavy appearance that detracts from the ground level retail. The Board recommended that this portion of the building be further examined to emphasize a more three dimensional quality. This could be achieved with heavier reveals and thicker mullions that create shadow lines and provide relief from the flat façade. The Board also recommended that a heavy reveal be added between the terra cotta color of the ground floor and the crème color of the second level. The Board agreed that more detail and weight should be given to the appearance of the first floor, to give it more substance. Simply changing the color is insufficient and does not give the

ground level retail space appropriate deference. The Board liked how the Fifth Avenue façade includes lintels above the windows and coping trim at the decks in a contrasting color. The Board would like to see similar treatment incorporated on the Northgate façade.

Recommended Condition #2: Along the Northgate façade:

- The reveals shown at the second level along Northgate should be heavier.
- The mullions should be thicker and a heavier reveal line or drip cap should be included between the two colors.
- Include lintels elements and coping trim (where needed) in a contrasting color.

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.

Generally, the Board strongly discouraged the use of cheap looking materials and encouraged the use of high quality materials that are durable, human scaled and compatible with the urban context. The Board noted that the materials used in the adjacent Sleep Country building are a good model. The Board also expects that overhead weather protection will be included. The Board requested a conceptual signage plan.

The material palette proposed at the second EDG includes horizontal hardi-panel siding, stucco, vinyl windows, metal siding with rough faced slate tile at the commercial base, metal canopies and blade signs. The color palette ranged from cocoa brown to beige. The Board was not enthusiastic about the proposed metal and tile and suggested that slate and tile be avoided. The Board was concerned that the use of metal not replicate or reference that metal types used in the Northgate North development. The Board also agreed that the color palette should embrace warm tones that reinforce the residential uses and character.

At the Recommendation meeting, a material and color palette was presented that showed earth tones and a variety of materials, including metal awnings, a terra cotta colored base of painted concrete, crème colored stucco, vinyl windows, taupe hardi panel siding, dark green stair tower, aluminum window storefront system and decorative glass panels along 5th Avenue. The materials wrap around to both street frontages. Display windows are proposed on the second level along Northgate. Blade signs are proposed and the Board reiterated that signage be of high quality and scaled appropriately to the building, as shown on the elevations.

D-1 PEDESTRIAN OPEN SPACES & 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 lit and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The Board agreed that the interior pathways and residential entries should be designed to encourage safe activity 24 hours a day.

See A-7.

At the Recommendation meeting, the applicant described the residential entry off of Northgate as secondary to the Fifth Avenue entrance and would function more as a service and loading entry. The Board agreed that the wrapping of the awning around the northeast corner of the building to the secondary residential entrance and the overhead lighting were both desirable features for a safe entryway.

D-2 BLANK WALLS

Buildings should avoid large blank walls and where unavoidable, should receive design treatment to increase pedestrian comfort and interest.

The Board discouraged the inclusion of blank walls on any of the proposed facades given the visibility of the project from within and without of the site.

At the second EDG meeting, the Board was concerned that the north façade of the west building appeared too blank and wants to see the north façades of the residential towers designed to appear as a building front, not side.

At the Recommendation meeting, the Board discussed that the façade of the stair tower facing the corner plaza appeared too blank and should receive additional treatment that breaks up the plane. The Board suggested windows, lighting and/or vertical landscaping (vines) to help enliven the facade.

Recommended Condition #3: Break up blank façade of stair tower with elements such as lighting, fenestration and vertical landscaping.

D-7 PERSONAL SAFETY & SECURITY

Design should consider opportunities for enhancing personal safety.

The Board felt that the entryways, residential lobby locations and open spaces should reinforce personal security around the building by providing lighting, clear sight lines and ample windows which allow visibility to and from these spaces. An exterior lighting plan should also be developed that creates a well-lit pedestrian environment, enhances the building's architectural quality and be carefully designed to mitigate

any glare impacts. The Board noted that the confluence of the interior driveways should be safe and well-lit as should the underground parking garages.

At the second meeting, the Board noted that the design of residential entry areas requires attention to safety and security, along with the driveway areas. Achieving appropriate and adequate lighting of these areas is a high priority and will be a critical consideration at the next review.

At the Recommendation meeting, the Board was pleased that lighting has been included along the entirety of the south facade. The Board was also very pleased with the light pole fixtures selected for the Fifth Avenue right-of-way

E. Landscaping

E-2 LANDSCAPING TO ENHANCE THE BUILDING & 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.

The Board strongly expressed that the design should include use of high quality vegetation and landscaping materials which will reinforce the pedestrian streetscape and provide functional and attractive spaces.

At the second EDG meeting, the Landscape Architect presented a landscape plan with three principal components: the plaza, the residential terrace at the second level and the planting strips along the right-of-way. The design shows street trees with low plantings in the planting strip, small nodes where the sidewalk juts in and out of the landscaping and overhead weather protection. The Board was pleased with the extensive improvements proposed along the right-of-way. At the corner plaza, raised planters, seating decorative paving, overhead canopies and a vertical icon are proposed. For the Board's guidance, please see A-4 and A-10. The design of the second level plaza (approximately 50 feet in width) intends to create a usable hardscape with furniture and raised planter boxes. The Board appreciates that this space will be a common amenity feature for the residents, but cautioned that the privacy of the second level units facing onto the terrace be considered. Also, the Board questioned whether the barbeques and the common amenity room could be closer, creating a more functional relationship.

At the Recommendation meeting, the street improvement plans includes a widened sidewalk with a planting strip and sidewalk patterns in the concrete. (The Board enthusiastically supported the expanded sidewalk width, but does not need to review the project again should the sidewalk width be reduced to 16 feet). All but one of the existing street trees will remain and be improved with wider cut outs and supplemental plantings. An additional four street trees will be added along Fifth Avenue. The pole lights selected as part of the Fifth Avenue Improvements will also be included. At the residential courtyard level, separation between the private residential units abutting the terrace and the

common areas is provided with raised planting beds. A barbeque and active area is shown at the south end of the courtyard. The Board recommended that the courtyard design include more softscape elements. The Board also agreed that a change in the materials and colors used through out the plaza can help indicate the private areas from the common areas.

The corner plaza design has been simplified to include low planters and wide steps from both Northgate and Fifth Avenue. The plaza area is intended to be large enough to include some movable tables and chairs, as well as function as the access point to the major retail space. The Board was disappointed that a vertical landmark feature, such as art work has not been proposed as recommended in an earlier meeting. See departure discussion below.

Recommended Condition #4: The residential courtyard should include more features that soften the space. Also, the private areas and commons areas should be further distinguished from each other through the use of colors and materials.

Design Review Departure Analysis

Two departures from the development standards were requested and recommended for approval: entries greater than three feet above the finished floor and transparency requirements.

- 1. Entries greater than three feet above the finished floor (SMC 23.71.008.B5):** The Code states that principal entrances to required street level uses on major pedestrian streets shall have direct access to the sidewalk and be within three feet of the sidewalk grade elevation. The proposed design includes two principal entries along Northgate Way that are greater than three feet from the finished grade.

In order to simplify the plaza design, the grade of the plaza was pushed lower to accommodate direct access to the second level commercial space, thereby limiting the number of commercial entrances that would be code compliant along Northgate Way. In order to encourage a vibrant and interesting streetscape, it was agreed that the ground level retail should include multiple entry points that give the appearance of smaller scaled retail modules. Furthermore, the large transparent storefront windows promote strong views to and from the sidewalk and the commercial space. The Board appreciated the restraint of the new plaza configuration, but continued to agree that a strong piece of vertical artwork would establish this building as a landmark. The Board encouraged artwork design that is whimsical. Given that the plaza design evolved considerably to become more pedestrian friendly and usable, the Board approved the requested departure unanimously along with the following recommended condition:

Recommended Condition #5 – The corner plaza should include a vertical art feature that engages passersby and distinguishes this corner as a landmark.

- 2. Transparency (SMC 23.71.008.F1):** The Code states that 60% of the width of the façade of a structure along a major pedestrian street shall be transparent. The proposed transparency is 53%. In order to address this deficiency and provide interest along the lengthy Fifth Avenue façade, the design proposes to include themed art glass, described as textured with imagery, in three locations. The Board voted unanimously in favor of the requested departure provided that the art glass is lit from the interior.

Recommended Condition #6 – The art glass included along Fifth Avenue shall be lit from the interior.

Summary of Board’s Recommendations

The recommendations summarized below 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 June 5, 2006 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 **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

- 1. The paving (pathways and parking spaces) adjacent to the Northgate residential entrance should be differentiated from that of the driveway and sidewalk.**
- 2. Along the Northgate façade:**
 - **The reveals shown at the second level along Northgate should be heavier.**
 - **The mullions should be thicker and a heavier reveal line or drip cap should be included between the two colors.**
 - **Include lintels elements and coping trim (where needed) in a contrasting color.**
- 3. Break up blank façade of stair tower with elements such as lighting, fenestration and vertical landscaping.**
- 4. The residential courtyard should include more features that soften the space. Also, the private areas and commons areas should be further distinguished from each other through the use of colors and materials.**
- 5. The corner plaza should include a vertical art feature that engages passersby and distinguishes this corner as a landmark.**
- 6. The art glass included along Fifth Avenue shall be lit from the interior.**

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Northgate Way, as well as Fifth Avenue, the Board was particularly interested in the establishment of a vital design that would improve upon the existing streetscape, interact with the pedestrian activity at this critical intersection and integrate residential uses into this part of the neighborhood.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

All five members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director acknowledges the street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Specifically, the Director supports the architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, C-3 and D-7, including the large transparent storefront windows; the corner plaza; the overhead weather protection; and the multiple entrances off of Northgate Way. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-4 and D-2 and support the case in favor of granting departures from the entries greater than three feet above the finished floor and transparency standards.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The

Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 19, 2005. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) 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 certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 48,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none">• 48,000 cubic yards of excavated materials.
2. Traffic	<ul style="list-style-type: none">• Increased vehicular traffic adjacent to the site due to construction vehicles.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 48,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 4,800 single-loaded truckloads to remove the estimated 48,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Environmental Element	Point of Discussion
1. Parking	<ul style="list-style-type: none">• Increase in parking from proposed development.
2. Traffic	<ul style="list-style-type: none">• Increase in traffic from proposed development.
3. Height, Bulk & Scale	<ul style="list-style-type: none">• Increase height, bulk and scale from proposed development.

Parking

A traffic study was submitted to DPD by Mirai Transportation Planning & Engineering dated May 2006 evaluating the parking impacts of the proposed development. The 347 parking spaces provided by the proposed development are all located on-site. The parking spaces are situated below grade and accessed from both Northgate and Fifth Avenue.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment, Discount Store and Shopping Center (retail) were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE Peak hour	SMC Required	Proposed
Proposed	Mid Rise Apartment (ITE 221)	Multifamily Residential	164 units	268	332	342
Proposed	Discount Store (ITE 815)	Commercial Retail	8,000 SF			
Proposed	ITE 863 and 880	Commercial Retail	44,204 SF			

According to the parking study, a conservative estimate of parking demand by both the 164 proposed residential units and 52,204 square feet of commercial uses would require approximately 268 spaces during the peak hours (likely during the early afternoon hours on a weekend). The proposed development will provide 342 parking spaces. The amount of parking provided exceeds the anticipated demand during peak hours by 74 spaces. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by Mirai Transportation Planning & Engineering dated May 2006 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using several sources including the Northgate Consolidated Transportation Improvement Plan (CTIP) analysis (2006), traffic studies completed for the Northgate Mall expansion, as well as the Northgate Community Center and Library project, the Northgate Transit Oriented Development project (2005) and the Northgate Commons Traffic and Parking Analysis. The Institute of Traffic Engineers (ITE) Trip Generation (Sixth Edition) was used to estimate the total number of trips generated by the proposed project. A reduction, reflecting the high level of transit use among residents in this neighborhood, was assumed to reflect the expected trip generation of the future residents of the proposed development.

Trip Generation Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
Existing	Fast Food w/o Drive (ITE 933)	784 SF	10	60
Existing	Liquor Store (ITE 850)	4,810 SF	31	
Existing	Specialty Retail (ITE 814)	12,115 SF	19	
Proposed	Residential Apartment (ITE 220)	(Unit Count) 161	85	229
Proposed	Specialty Retail (ITE 814)	8,000 SF	13	
Proposed	Major Retail #1 (ITE 863)	30,204 SF	78	
Proposed	Major Retail #2 (ITE 880)	14,000 SF	53	
Net New Trips				169

Using the available data, there will be approximately 169 additional trips in the PM peak hour associated with the proposed combination of uses. The intersections studied currently operate between Levels of Service (LOS) A, B, C or D and suggest some unused capacity at these intersections. The additional 169 trips generated by the proposed development are likely to shift the LOS for the intersection of Northgate Way and Fifth Avenue from LOS D to LOS E. Therefore, at this intersection, the traffic volumes of the proposed development will produce impacts that warrant mitigation.

2. Prior to Building Permit Issuance, provide pro rata share of costs to SDOT for improvements to the intersection of Fifth Avenue NE and NE Northgate Way as identified in CTIP. [Note, in the event that the square footage of commercial uses increases causing the number of trips generated in the PM peak hour to increase, additional costs (based on the pro-rata share) may be required to mitigate these additional trips.]

Based on the traffic analysis provided above, in conjunction with the proposed payment to SDOT, no further mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

Height Bulk & 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.”

The height, bulk and scale issues have been addressed during the Design Review process in the design of this multifamily project in a Neighborhood Commercial 3 zone with a 65 ft. height limit (NC3-65). Abutting sites to the south and east and across the street to the north are also zoned NC3-65'. To the northeast, the zone changes to NC3-40. Across the street to the west, the zoning changes to NC3-85. In addition, the Design Review Board's deliberations discussed height, bulk and scale issues in greater detail. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

DECISION - SEPA

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

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

CONDITIONS – SEPA

During Construction

The owner applicant/responsible party 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 DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (Non-Appealable)

2. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

Prior to Building Permit Issuance

3. The paving (pathways and parking spaces) adjacent to the Northgate residential entrance should be differentiated from that of the driveway and sidewalk.
4. Along the Northgate façade:
 - o The reveals shown at the second level along Northgate should be heavier.
 - o The mullions should be thicker and a heavier reveal line or drip cap should be included between the two colors.
 - o Include lintels elements and coping trim (where needed) in a contrasting color.
5. Break up blank façade of stair tower with elements such as lighting, fenestration and vertical landscaping.
6. The residential courtyard should include more features that soften the space. Also, the private areas and commons areas should be further distinguished from each other through the use of colors and materials.
7. The corner plaza should include a vertical art feature that engages passersby and distinguishes this corner as a landmark.
8. The art glass included along Fifth Avenue shall be lit from the interior.
9. Prior to Building Permit Issuance, provide pro rata share of costs to SDOT for improvements to the intersection of Fifth Avenue NE and NE Northgate Way as identified in CTIP. [Note, in the event that the square footage of commercial uses increases causing the number of trips generated in the PM peak hour to increase, additional costs (based on the pro-rata share) may be required to mitigate these additional trips.]

Prior to Pre-Construction Conference

10. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #3-9 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

NON-APPEALABLE CONDITIONS

11. Prior to Issuance of Building Permit Issuance, the applicant and/or current property owner(s) shall record an acknowledgement of the Transportation Management Program permit conditions in a form acceptable to DPD with the King County Department of Records and Elections. A copy of the recorded document, showing the recording number, shall be filed with DPD prior to permit issuance. The TMP for this project shall have a single-occupant-vehicle (SOV) goal as specified by SMC Section 23.71.018, and shall include the standard implementation requirements and appropriate supplemental implementation requirements identified in Director's Rule 14-2002.
12. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
13. Compliance 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) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (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.
14. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
15. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
16. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file)
Lisa Rutzick, Land Use Planner
Department of Planning and Development

Date: August 7, 2006