



City of Seattle

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Department of Planning and Development  
Diane M. Sugimura, Director

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

**Application Numbers:** 3014098  
**Council File Numbers:** 312670  
**Applicant Name:** Tomas Steidl  
**Address of Proposal:** 1321 N 45<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTIONS**

Council Land Use Action to contract rezone 17,290 sq. ft. of land from Lowrise Three Residential Commercial (LR3 RC) to Neighborhood Commercial Two Pedestrian with a 40 foot height limit (NC2P-40) and to allow a four to five-story structure with a total of 158 residential units and 6,110 sq. ft. of retail at grade. Review includes 27,750 cu. yds. of grading and demolition of nine existing structures (excluding detached garages). Parking for 146 vehicles to be provided within a below-grade garage.

The following approvals are required:

**Contract Rezone – Rezone four parcels from LR3 RC to NC2P-40 to allow the future construction of a four to five-story, mixed use building with ground level commercial use and multifamily residential. (SMC Section 23.34.004).**

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

**SEPA - Environmental Determination pursuant to SMC 25.05**

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions\*

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

\* Notice of the Early Determination of Non-significance was published on April 11th, 2013 and re-noticed on April 25, 2013. Director's report includes recommendations for SEPA condition by the city council.

## **BACKGROUND DATA**

### Location, Existing Use and Zoning

Near the intersection of two significant commercial corridors, North 45<sup>th</sup> St. and Stone Way North, the development site contains eight single family homes and a two-story, brick mixed use building that houses apartments and offices. It includes a total of nine tax parcels four of which front onto N. 45<sup>th</sup> St and the remaining five parcels face North Allen Place. Interlake Ave North borders the project site on the east, North Allen Place on the south and N. 45<sup>th</sup> St on the north.

The site's 34,790 sq. ft. extends approximately 183' on the north, 195' on the east boundary, and roughly 175' on the south. The west boundary is slightly staggered. The site ascends approximately 5.5 feet from the west to the east along N. 45<sup>th</sup> St.

The four tax parcels on the north possess a Lowrise Three Residential –Commercial (LR3 RC) zoning designation. The five parcels on the south facing N. Allen Pl. are zoned Neighborhood Commercial 2 with a 40' height limit (NC2 40).

The neighborhood appeals to pedestrians with its small scale commercial uses and residential neighborhoods filled with Craftsman Style bungalows. Larger surrounding uses include the adjacent Walgreen's building to the west, University House to the south and Lincoln High School to the southeast. Recent construction includes mixed use buildings at the intersection of Stone Way N. and N. 45<sup>th</sup> St., and a four-story mixed use project recently constructed just south of the Tutta Bella restaurant parking lot.

Neighborhood Commercial Two Pedestrian with a 40' height limit (NC2P 40) zoning comprises much of the N. 45<sup>th</sup> St. corridor in Wallingford from Interstate 5 to Midvale Ave N. A small node of LR3-RC centers upon the intersection of N. 45<sup>th</sup> St. and Interlake Ave N. and extends east and west along N. 45<sup>th</sup> for several parcels. North and south of the N. 45<sup>th</sup> St. commercial corridor the zoning changes to Single Family 5000 (SF 5000) with the exception of the Lincoln High School site which is zoned LR2. NC2 40 zoning predominates along the north/south Stone Way N. corridor.

### Proposal Description

The architect presented three design options at the EDG meeting. Each builds around a courtyard, places commercial uses along N. 45<sup>th</sup> St., locates the primary residential entry on Interlake Ave N., and uses N. Allen Place for garage egress. Residential units occur both near grade behind the commercial use and on three floors above the first level. The architect locates the indoor amenity area mostly below grade close to the corner of N. Allen and Interlake.

Option One positions the courtyard on an east/west axis with the idea of capturing southwest light for the surrounding four to five floors of units with minimal setbacks on N. 45<sup>th</sup> St. and N. Allen Place. The proposal establishes a larger setback from the property line along Interlake near the intersection with N. 45<sup>th</sup> St. Upper level massing facing N. 45<sup>th</sup> St. has slight modulation.

Option Two orients the courtyard in the north/south orientation. The largest setback from the right of way occurs along Interlake Ave. with only modest modulations in the massing along the N.45<sup>th</sup> St and Interlake facades. At N. Allen Pl., the courtyard reveals itself above the second floor. The third option depicts a roughly square court pushed toward the center west on the site. The smaller courtyard allows for a deeper entry plaza along Interlake Ave. A significant recession in the Interlake façade at the entrance creates side pavilions that mimic the massing of Lincoln High School. A rooftop deck sits close to N. 45<sup>th</sup> St.

Preliminary character sketches of the elevations illustrate generous glazing and masonry piers or frames defining the lower three floors along Interlake and N. 45<sup>th</sup> St.

By the Recommendation meeting, the developer added a parcel to the project site along N. Allen Pl. increasing the size of the development site by 3,333 square feet. The Master Use Permit (MUP) drawings illustrate a refined version of Option # 3.

## **ANALYSIS - DESIGN REVIEW**

### **Public Comments**

Approximately 12 members of the public affixed their names to the Early Design Guidance meeting sign-in sheet. The speakers raised the following comments:

- Creating a canyon along 45<sup>th</sup> St. is not desirable. Set the building back from the street.
- The sidewalk narrows at the Walgreen's building. The project would benefit by having a corner plaza.
- Having adequate parking for the building is appreciated.
- Create something beautiful and graceful. The building needs more than merely surface changes on it.
- Build to an appropriate height for Wallingford.
- Guideline A-4. Sidewalks on 45<sup>th</sup> St. are 15' to 16'. Set the building back by about four to five feet in order to meet this guideline.
- Guideline A-6. University House has a nice setback on N. Allen Place. Mirror the landscaping on the north side of the street. There is not enough setback distance. This is an important rezone consideration.
- Guideline A-10. Locate one of the entrances to the commercial space at the corner of N. 45<sup>th</sup> St. and Interlake Ave.
- Guideline A-10. Add a curb bulb at the Interlake and N. 45<sup>th</sup> St. corner.
- Guideline C-4. Ensure that there is substantial brick at the ground floors. Many of the buildings in this area of Wallingford have brick masonry.
- Guideline D-1. Prefer a flat canopy as opposed to a fabric awning.
- Don't employ a pastiche of multiple materials on the building.
- Break the floor plate on Interlake to make the residential entrance more accessible.
- Wrap the canopy from N. 45<sup>th</sup> St. onto Interlake and end it at the residential entrance.
- N. Allen Pl. has lovely landscaping. Currently the berms along the right of way are complementary to the quality landscaping at University House. Provide more setbacks for landscaping.

- Guideline C-3. Use more brick than glass. The character of the masonry should be substantial---not merely trim or liner.
- Add lights to the canopies to provide security.
- On the drawings, show the mechanical equipment on the roof.
- Use the same materials on the elevation for the amenity area as the rest of the building.
- Show the roof's appearance from the perspective of someone on it. Draw the roof from the upper levels of University House.
- Provide accurate drawings to show building mass.
- Guideline A-8. Access to the proposed garage on Allen Pl. is problematic. N. Allen is busy with delivery trucks, school buses, medical emergency vehicles, and University House resident drop-off. School buses line-up along N. Allen. Drivers will not be able to turn exiting the garage.
- University House's primary residential entrance is located on N. Allen Pl.
- Many people who use walkers and canes cross the streets in this area. The additional traffic is concerning.
- Consider installing solar or other energy saving equipment.

## **Design Guidance**

### **A Site Planning**

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

**Wallingford-specific supplemental guidance:**

- Upper level building setbacks and setbacks along the building base are encouraged to help minimize shadow impacts on public sidewalks.
- Design public and private outdoor spaces to take advantage of sun exposure.
- Development along North 45th Street, Stone Way North and other north-south streets south of North 40th Street with water, mountain and skyline views should use setbacks to complement and preserve such views from public right-of-ways.

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

**Wallingford-specific supplemental guidance:**

- Visually reinforce the existing street storefronts by placing horizontal or vertical elements in a line corresponding with the setbacks and façade elements of adjacent building fronts. These could include trees, columns, windows, planters, benches, overhead weather protection, cornices or other building features.
- Visually reinforce the existing street wall by using paving materials that differentiate the setback area from the sidewalk.

The Board strongly recommended an extra four to five feet setback from what is shown at the N. 45<sup>th</sup> St. street frontage to provide a sidewalk width commensurate with others along the N. 45<sup>th</sup> St. corridor.

Discussion followed on the merits of setting back the building farther from N. Allen Pl. to ensure generous landscaping complementary to that of University House. The Board found Option Three's setback acceptable.

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

**Wallingford-specific supplemental guidance:**

- **Primary business and residential entrances should be oriented to the commercial street (for development along North 45th Street and Stone Way North).**

Locating the residential entrance on Interlake Ave met with the Board's approval.

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

**Wallingford-specific supplemental guidance:**

- **If not already required by code for new development, applicants are encouraged to increase the ground level setback in order to accommodate pedestrian traffic and amenity features, particularly along North 45th Street, where existing sidewalks tend to be too narrow.**
- **Outdoor dining, indoor-outdoor commercial/ retail space, balconies, public plazas and outdoor seating are particularly encouraged on lots located on North 45th Street and Stone Way North.**

The Board considers this guideline a high priority.

**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.**

As of the EDG meeting, the residence at 133 N. Allen Place (house adjacent to the parking lot) was not part of the proposed development. The applicant indicated the possibility of the property's inclusion. Option Three appears to allow the four upper floors to meet the conterminous property line.

**A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

The Board requested clearer illustration of the building's and landscape's relationships to the Interlake Ave right of way.

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

**Wallingford-specific supplemental guidance:**

**Maximize open space opportunity at grade (residential or mixed-use projects):**

- **Terraces on sloping land that create level yard space, courtyards and front and/or rear yards are all encouraged residential open space techniques.**

- **Make use of the building setbacks to create public open space at grade. Open spaces at grade that are 20 x 20 feet or larger and include significant trees are encouraged in exchange for landscape departures.**

The applicant envisions a private courtyard restricted to the use of the tenants of the nine units surrounding it. The schematic floor plan for Option #3 depicts a visual axis from the building entry through the lobby to the courtyard.

**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.**

**Wallingford-specific supplemental guidance:**

- **Structured parking entrances should be located on side streets or alleys.**
- **Drive-in facilities whose driveways enter or exit over the main frontage sidewalk are discouraged.**

Locating parking garage access on N. Allen Pl. appeared understandable given the grade differentiations on the site; however, community concerns with bus loading, medical emergency vehicles and resident/student drop-off along this street segment warrants more in depth analysis of traffic patterns to determine the appropriateness or feasibility of N. Allen as a means of vehicle access for the proposal.

**A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

**Wallingford-specific supplemental guidance:**

- **Buildings on corner lots should be oriented to the corner. Parking and vehicle access should be located away from the corner.**
- **Provide definition at main gateways to Wallingford (North 45th Street and I-5; North 45th Street and Stone Way North; and Stone Way North and Bridge Way North). Redevelopment of lots at these intersections should include special features that signal and enhance the entrance to the Wallingford neighborhood including a tower, fountain, statue or other expression of local creativity that provides a physical transition for motorists and pedestrians and communicates "Welcome to Wallingford."**
- **Provide definition at other main intersections.**
- **Developers are encouraged to propose larger setbacks to provide for wider sidewalks or plazas and to enhance view corridors at gateway intersections in consideration for departures from lot coverage or landscaping requirements.**
- **Typical corner developments should provide:  
a main building entrance located at corner; an entrance set back to soften corner and enhance pedestrian environment; and use of a hinge, bevel, notch, open bay or setback in the massing to reflect the special nature of the corner and draw attention to it.**

The applicant should explore with SDOT the merits of adding a curb bulb at the corner of N. 45<sup>th</sup> St. and Interlake Ave. N. This would enhance the pedestrian experience along the N. 45<sup>th</sup> St. corridor.

The Board favors an understated design for the facades forming this corner. A commercial entry here would be fine, but a large plaza is not necessary.

## **B. Height, Bulk and Scale**

## **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.**

### **Wallingford-specific supplemental guidance:**

**Complement positive existing character and/or respond to nearby pre-World War II**

**structures. Traditional early 20th Century commercial structures are primarily one story high and include: solid kick panels below windows; large storefront windows; multi-pane or double hung windows with transoms or clerestories lites; high level of fine grained detailing and trim; high quality materials, such as brick and terra-cotta; canopies; variable parapets; cornices .**

**New buildings should strive for a contextual approach to design. A contextual design**

**approach is not intended to dictate a historicist approach, but rather one that is sensitive to surrounding noteworthy buildings and style elements.**

### **Base**

- **Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials.**
- **Encourage transparent, open facades for commercial uses at street level (as an example, windows that cover between 50-80 percent of the ground floor façade area and begin approximately 24 to 30 inches above the sidewalk rather than continuing down to street level).**

### **Middle**

- **Mid-level building façade elements should be articulated to provide visual interest on a bay-by-bay scale. Architectural features should include: belt courses or horizontal bands to distinguish individual floors; change in materials and color and/or texture that enhance specific form elements or vertical elements of the building; a pattern of windows; and/or bay windows to give scale to the structure.**
- **Consider using detail elements such as a cast stone, tile or brick pattern that respond to architectural features on existing buildings.**
- **Consider using spacing and width of bays or pavilions to provide intervals in the façade to create scale elements similar to surrounding buildings.**

### **Top**

- **Clearly distinguish tops of buildings from the façade walls by including detail elements consistent with the traditional neighborhood buildings such as steep gables with overhangs, parapets and cornices.**

The presentation packet recognized an architectural context with ground floor commercial spaces, generous glazing at the street and detailing that reflects human scale.

The Board noted the desirability for a wider sidewalk along N. 45<sup>th</sup> St. and the use of brick to continue the tradition of masonry buildings in this area of Wallingford.

- 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 facade walls.**

**Wallingford-specific supplemental guidance:**

- The massing of large buildings should reflect the functions of the building and respond to the scale of traditional buildings by including major façade elements, which help to break the building into smaller pieces with distinctive appearances.
- Rooftop building systems (i.e., mechanical and electrical equipment, antennas) should be screened from all key observation points by integrating them into the building design with parapets, screens or other methods.
- Illuminate distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest. Encourage pedestrian scale pole lights along streets and walks.

**Signage**

- Signage should reflect the pedestrian scale of the neighborhood.
- Generally, individualized, externally illuminated signs are preferred over internally illuminated, rectangular box signs.
- Signage should be integrated with the architectural concept of the development in scale, detailing, use of color and materials, and placement.
- Creative, detailed, artistic and unique signage is encouraged.
- The use of icons, symbols, graphic logos or designs that represent a service or occupation are preferable to standardized corporate logos.
- Pole signs of any type are discouraged.

Always an important consideration, the criteria for this guideline should convey to the architects the importance of how each building component relates to a larger whole.

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

**Wallingford-specific supplemental guidance:**

- Transom or clerestory windows above entrances, display windows and projected bay windows are encouraged.
- Multiple paned windows that divide large areas of glass into smaller parts are preferred because they add human scale.

The Board noted the importance of meeting this guideline.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board endorsed the use of brick. Given the predominance of brick on the older buildings (including the mixed use one to be demolished) and newer mixed use structures, brick is quite compelling. The amount of brick ought to increase as the building faces Interlake and N. Allen Pl., the more residential streets.

**C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

Please provide drawings of the garage door by the next meeting. The scale of the entrance should respect the pedestrian scale of N. Allen Pl.

**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. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

**Wallingford-specific supplemental guidance:**

Provide convenient, attractive and protected pedestrian entry for both business and upper story residential uses.

- Entries for residential uses on the street (rather than from the rear of the property) add to the activity on the street and allow for visual surveillance for personal safety.
- Continuous, well-lighted, overhead weather protection is strongly encouraged to improve pedestrian comfort and to promote a sense of security.

Design the overhead weather protection along N. 45<sup>th</sup> St to wrap around the corner to include the northern portion of the Interlake Ave façade. The Board requested a flat, metal and glass canopy, staggered if necessary to reflect grade.

**D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

**Wallingford-specific supplemental guidance:**

- Long, undifferentiated surfaces, facades or store frontages are strongly discouraged.
- In situations where blank walls are necessary, encourage their enhancement with decorative patterns, murals or other treatment.
- Locate and design ground floor windows to maximize transparency of commercial façade and attract pedestrian interest.
- Large windows that open to facilitate indoor-outdoor interaction with street are encouraged.
- Windows on walls perpendicular to the street are encouraged.

The west elevation overlooking the adjacent house and possibly the parking lot (if developer includes the adjacent house) should be a consideration as the design develops; its proximity to the property line suggests the likelihood of a large expanse of blank wall.

- D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.**

**Wallingford-specific supplemental guidance:**

Minimize the height of retaining walls.

- Where retaining walls are unavoidable, a textured surface, inlaid material and/or sensitively designed reveal lines are encouraged.

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

The Board expressed its satisfaction with the proposed solution. Show more detailing at the Recommendation meeting.

- D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

**Wallingford-specific supplemental guidance:**

- In residential projects, discourage solid fences that reduce security and visual access from streets.

**Lighting:**

- Encourage pedestrian-scale lighting, such as a 12- to 15-foot-high pole or bollard fixtures.
- Consider installing lighting in display windows that illuminates the sidewalk.
- Fixtures that produce glare or that spill light to adjoining sites, such as “wallpacks,” are discouraged.
  - Installation of pedestrian light fixtures as part of a development's sidewalk improvements is strongly encouraged. The style of light fixture should be consistent with the preference identified by Wallingford through Seattle City Light's pedestrian lighting program.

See guidance for D-10.

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

Although not a high priority item, the signage concept should be provided at the Recommendation meeting.

- D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

Install lighting on the canopies or overhead weather protection along N. 45<sup>th</sup> St. and Interlake Ave. N.

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

**D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

The placement of the residential entry on Interlake met with approval. Due to the grades, discussion focused on how the entry could be more accessible. The Board did not provide specific direction.

## **E. Landscaping**

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

Wallingford-specific supplemental guidance:

- Flower boxes on windowsills and planters at entryways are encouraged.
- Greening of streets lacking trees, flowers and landscaping is strongly recommended.

**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.

Wallingford-specific supplemental guidance:

- Thick evergreen hedges, non-invasive vines on fencing or low walls, and other substantial landscaping should be used to visually and physically buffer sidewalks and adjacent buildings from parking areas; camouflage exposed concrete walls; and buffer adjacent single-family houses and residential developments.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with design review and rezone components on March 29, 2013.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation Meeting on September 30, 2013 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

## Public Comments

26 members of the public affixed their names to the Recommendation meeting sign-in sheet. The speakers commented on the following issues:

### Setbacks

- The building is not set back far enough on N. Allen Pl.
- The proposed curb bulb on N. Allen Pl removes a valuable parking space. The community would prefer deeper setbacks on this street and not the misnomer called a “parklet”.
- The setback on N. Allen does not create a reasonable transition to the residential zone. It is not appropriately deep enough.
- The setbacks on N. Allen are negligible.
- Provide a more natural transition from the commercial portion on N. 45<sup>th</sup> St. to the residential neighborhood.

### Massing

- The south façade looms over the right of way. It is quite unfriendly. Remove the fifth level or setback the elevation an additional 10 to 15 feet.
- Chamfer the corner at Interlake and N. Allen to provide better visibility.
- The building has a looming presence.
- The upper mass on the southeast corner is too high. This corner needs to be substantially set back.

### Programming

- The pedestrian entry on N. Allen Pl. should be pushed to the east.
- A south facing courtyard would create a better transition between the subject project and the neighbors.
- Move the roof deck closer to the west toward the Walgreen’s building.

### Corner Overhead Weather Protection

- The overhead weather protection should be continuous at the northeast corner. This important corner should be celebrated by extending or heightening the canopy.
- Extend the depth of the residential entry canopy facing Interlake Ave N.

### Landscaping

- The courtyard ought to be oriented to the south.
- Add a tree at the northeast corner.
- Use wrought iron fencing, not wood, on N. Allen Pl.
- There is a lack of meaningful landscaping on N. Allen Pl. There is no opportunity or space for significant pedestrian amenities.
- Discard the “parklet” on N. Allen. The street is already too congested.
- The proposed “parklet” is on city property and should be accommodated on the developer’s land.
- Wood fences are not suitable for the scope of this project. Use wrought iron.
- The project needs substantial landscaping on N. Allen.

### Other

- There has been little discussion on the project’s sustainability. What level of LEED is the project attempting to achieve?
- Interlake Ave. ought to have a passenger loading zone at the entry.
- The community needs to see what the mural will really look like. Please ensure that there is community input.

- The developer has done a nice job.
- The south side of the project has a quiet sensibility.

DPD received numerous letters and emails commenting on the proposal. Comments, not shared above, include the following:

- The entry is merely utilitarian and is not handicapped accessible. A pedestrian entrance/exit should be created on the eastern 1/3 of the N Allen façade.
- Lower the N. Allen side from five floors to four.
- Either lower the height of the N. Allen Pl massing or set back the structure farther from the street.

Other issues focused on garage and kitchen ventilation, parking /traffic impacts, conservation features, shadow impacts,

## **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.**

#### **Wallingford-specific supplemental guidance:**

- **Visually reinforce the existing street storefronts by placing horizontal or vertical elements in a line corresponding with the setbacks and façade elements of adjacent building fronts. These could include trees, columns, windows, planters, benches, overhead weather protection, cornices or other building features.**
- **Visually reinforce the existing street wall by using paving materials that differentiate the setback area from the sidewalk.**

After listening to public comment and deliberating on the depth of the N. Allen setback, the Board did not direct the applicant to alter the amount of building setback from the right of way. However, the Board members recommended that the applicant eliminate the proposed curb bulb on N. Allen that extends, at mid-block, into the street. The loss of on-street parking and the already congested street did not warrant the placement of the curb extension.

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

#### **Wallingford-specific supplemental guidance:**

- **Primary business and residential entrances should be oriented to the commercial street (for development along North 45th Street and Stone Way North).**

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

#### **Wallingford-specific supplemental guidance:**

- **If not already required by code for new development, applicants are encouraged to increase the ground level setback in order to accommodate pedestrian traffic and amenity features, particularly along North 45th Street, where existing sidewalks tend to be too narrow.**

- **Outdoor dining, indoor-outdoor commercial/ retail space, balconies, public plazas and outdoor seating are particularly encouraged on lots located on North 45th Street and Stone Way North.**

See guidance provided for A-10.

- 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 Board recommended approval of the departures allowing for the elimination of setbacks at the shared property line with the Walgreen's building.

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

**Wallingford-specific supplemental guidance:**

**Maximize open space opportunity at grade (residential or mixed-use projects):**

- Terraces on sloping land that create level yard space, courtyards and front and/or rear yards are all encouraged residential open space techniques.
- Make use of the building setbacks to create public open space at grade. Open spaces at grade that are 20 x 20 feet or larger and include significant trees are encouraged in exchange for landscape departures.

Discussion did not focus on the merits of the courtyard or the roof deck.

- 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.**

**Wallingford-specific supplemental guidance:**

- Structured parking entrances should be located on side streets or alleys.
- Drive-in facilities whose driveways enter or exit over the main frontage sidewalk are discouraged.

The Board recommended approval of the departure request for an increase driveway ramp slope to a maximum of 20 percent.

- A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

**Wallingford-specific supplemental guidance:**

- Buildings on corner lots should be oriented to the corner. Parking and vehicle access should be located away from the corner.
- Provide definition at main gateways to Wallingford (North 45th Street and I-5; North 45th Street and Stone Way North; and Stone Way North and Bridge Way North). Redevelopment of lots at these intersections should include special features that signal and enhance the entrance to the Wallingford neighborhood including a tower, fountain, statue or other expression of local creativity that provides a physical transition for motorists and pedestrians and communicates "Welcome to Wallingford."

- Provide definition at other main intersections.
- Developers are encouraged to propose larger setbacks to provide for wider sidewalks or plazas and to enhance view corridors at gateway intersections in consideration for departures from lot coverage or landscaping requirements.
- Typical corner developments should provide: a main building entrance located at corner; an entrance set back to soften corner and enhance pedestrian environment; and use of a hinge, bevel, notch, open bay or setback in the massing to reflect the special nature of the corner and draw attention to it.

Concern for the success of the corner at N. 45<sup>th</sup> St. and Interlake Ave N. elicited recommendations for its revision. Both the proposed commercial storefront and the landscaping design failed to convey a sense of place. To enrich the anodyne quality of the corner, the Board recommended increasing the permeability between the sidewalk and the café, adding and varying the landscaping, achieving an intimate or human scale and enriching the storefront façade. Together the following elements should create a stronger place to foster community interaction and anchor the corner: break the stem wall to provide permeability and add benches to the same wall; place a tree near the corner; vary the paving materials and the plant selection; set back the storefront windows by eight inches from the masonry; and ensure a well designed kiosk.

The Board asked the architect to explore a redesign of the canopy. Consider creating a marquee that better responds to the revisions necessary for the corner.

## **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 anticipated development potential of the adjacent zones.

### **Wallingford-specific supplemental guidance:**

- Cornice and roof lines should respect the heights of surrounding structures.
- Traditional architectural features such as pitched roofs and gables are encouraged on residential project sites adjacent to single-family and low-rise zones.
- To protect single-family zones, consider providing upper level setbacks to limit the visibility of floors that are above 30 feet.
- Consider dividing building into small masses with variation of building setbacks and heights in order to preserve views, sun and privacy of adjacent residential structures and sun exposure of public spaces, including streets and sidewalks.
- Color schemes should help reduce apparent size and bulk of buildings and provide visual interest. White, off-white and pinky-beige buff on portions of buildings over 24 feet tall is discouraged.

- Consider additional setbacks, modulation and screening to reduce the bulk where there are abrupt changes which increase the relative height above grade along the street or between zones.

Be sensitive to public views on North 45th Street, Stone Way North and north-south avenues south of North 40th Street:

- Consider stepping back floors five feet per floor.
- Notching or setbacks at corners of buildings or ground floors are encouraged.

Discussion briefly lighted on the upper setback at the southeast corner and along N. Allen Place. The Board conveyed that the proposed massing appears sufficient.

## 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.

Wallingford-specific supplemental guidance:

Complement positive existing character and/or respond to nearby pre-World War II structures. Traditional early 20th Century commercial structures are primarily one story high and include: solid kick panels below windows; large storefront windows; multi-pane or double hung windows with transoms or clerestories lites; high level of fine grained detailing and trim; high quality materials, such as brick and terra-cotta; canopies; variable parapets; cornices. New buildings should strive for a contextual approach to design. A contextual design approach is not intended to dictate a historicist approach, but rather one that is sensitive to surrounding noteworthy buildings and style elements.

Base

- Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials.
- Encourage transparent, open facades for commercial uses at street level (as an example, windows that cover between 50-80 percent of the ground floor façade area and begin approximately 24 to 30 inches above the sidewalk rather than continuing down to street level).

Middle

- Mid-level building façade elements should be articulated to provide visual interest on a bay-by-bay scale. Architectural features should include: belt courses or horizontal bands to distinguish individual floors; change in materials and color and/or texture that enhance specific form elements or vertical elements of the building; a pattern of windows; and/or bay windows to give scale to the structure.
- Consider using detail elements such as a cast stone, tile or brick pattern that respond to architectural features on existing buildings.
- Consider using spacing and width of bays or pavilions to provide intervals in the façade to create scale elements similar to surrounding buildings.

Top

- **Clearly distinguish tops of buildings from the façade walls by including detail elements consistent with the traditional neighborhood buildings such as steep gables with overhangs, parapets and cornices.**

Much of the design responded to comments at the EDG meeting. A wider sidewalk along N. 45<sup>th</sup> St, storefront glazing and the generous use of brick will root the building in its context along a pedestrian commercial corridor and near a distinguished school building. The Board praised many of the design decisions.

**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 facade walls.**

**Wallingford-specific supplemental guidance:**

- **The massing of large buildings should reflect the functions of the building and respond to the scale of traditional buildings by including major façade elements, which help to break the building into smaller pieces with distinctive appearances.**
- **Rooftop building systems (i.e., mechanical and electrical equipment, antennas) should be screened from all key observation points by integrating them into the building design with parapets, screens or other methods.**
- **Illuminate distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest. Encourage pedestrian scale pole lights along streets and walks.**

**Signage**

- **Signage should reflect the pedestrian scale of the neighborhood.**
- **Generally, individualized, externally illuminated signs are preferred over internally illuminated, rectangular box signs.**
- **Signage should be integrated with the architectural concept of the development in scale, detailing, use of color and materials, and placement.**
- **Creative, detailed, artistic and unique signage is encouraged.**
- **The use of icons, symbols, graphic logos or designs that represent a service or occupation are preferable to standardized corporate logos.**
- **Pole signs of any type are discouraged.**

The unprepossessing quality of the structure's southeast corner, particularly near grade, elicited debate. The modest quality of the corner did not warrant a recommendation to vary the design, however.

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

**Wallingford-specific supplemental guidance:**

- **Transom or clerestory windows above entrances, display windows and projected bay windows are encouraged.**
- **Multiple paned windows that divide large areas of glass into smaller parts are preferred because they add human scale.**

See recommendations made for the corner of N. 45<sup>th</sup> St. and Interlake Ave N under A-10.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board directed the applicant to vary the metal fencing along N. Allen Pl. and Interlake Ave N.

- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

Follow-up discussion of the garage entrance did not occur at the Recommendation meeting.

## **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. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

### **Wallingford-specific supplemental guidance:**

Provide convenient, attractive and protected pedestrian entry for both business and upper-story residential uses.

- Entries for residential uses on the street (rather than from the rear of the property) add to the activity on the street and allow for visual surveillance for personal safety.
- Continuous, well-lighted, overhead weather protection is strongly encouraged to improve pedestrian comfort and to promote a sense of security.

Earlier guidance encouraged the architect to wrap the marquee around the building's northeast corner. At the Recommendation meeting, the Board requested that the architect explore design revisions to the discontinuous canopy in order to enhance a sense of place at the corner.

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

### **Wallingford-specific supplemental guidance:**

- Long, undifferentiated surfaces, facades or store frontages are strongly discouraged.
- In situations where blank walls are necessary, encourage their enhancement with decorative patterns, murals or other treatment.
- Locate and design ground floor windows to maximize transparency of commercial façade and attract pedestrian interest.
- Large windows that open to facilitate indoor-outdoor interaction with street are encouraged.
- Windows on walls perpendicular to the street are encouraged.

Responding to public comments, the Board recommended that approval of the mural or art on the west elevation requires that the owner/developer include the Wallingford community in the selection of or decision making for the design on the west elevation.

Other discussion focused on providing art for the monument sign and the elevations overlooking the primary residential entry on Interlake Ave.

**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.**

**D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

**Wallingford-specific supplemental guidance:**

- In residential projects, discourage solid fences that reduce security and visual access from streets.

**Lighting:**

- Encourage pedestrian-scale lighting, such as a 12- to 15-foot-high pole or bollard fixtures.
- Consider installing lighting in display windows that illuminates the sidewalk.
- Fixtures that produce glare or that spill light to adjoining sites, such as “wallpacks,” are discouraged.
- Installation of pedestrian light fixtures as part of a development's sidewalk improvements is strongly encouraged. The style of light fixture should be consistent with the preference identified by Wallingford through Seattle City Light's pedestrian lighting program.

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

Discussion at the Recommendation meeting did not focus on commercial signage concepts or on the size of the monument sign.

**D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

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

**D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.**

Although conversation at the early design guidance meeting focused on accessibility to the Interlake Ave residential entry, the Board tacitly acknowledged its resolution at the Recommendation meeting.

## **E. Landscaping**

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

**Wallingford-specific supplemental guidance:**

- Flower boxes on windowsills and planters at entryways are encouraged.
- Greening of streets lacking trees, flowers and landscaping is strongly recommended.

**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.**

**Wallingford-specific supplemental guidance:**

- Thick evergreen hedges, non-invasive vines on fencing or low walls, and other substantial landscaping should be used to visually and physically buffer sidewalks and adjacent buildings from parking areas; camouflage exposed concrete walls; and buffer adjacent single-family houses and residential developments.

See C-4 guidance for the metal fencing.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the September 30, 2013 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the September 30th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

**DEVELOPMENT STANDARD DEPARTURES**

The Board’s recommendation on the requested departure(s) are based upon the departure’s potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Abutting Side Setback SMC 23.47A.014B.1	15’ by 15’ corner setback required for a commercial lot, abutting a side lot line in a residential zone. No development is allowed within setback.	Zero setback along the common property line shared by the three-story Walgreen’s Building (retail and office) to match the adjacent existing zero lot line condition.	<ul style="list-style-type: none"> <li>▪ Applicant proposes a rezone of his property from Lowrise to commercial. A narrow 25’ wide portion of the lot to the west is zoned lowrise residential.</li> <li>▪ The existing condition to the west is a zero lot line with a 3-story building.</li> <li>▪ Creates a continuous street wall along the south portion of N. 45<sup>th</sup> St. (A-1, A-2)</li> </ul>	Recommended Approval
2. Abutting Side Setback SMC 23.47A.014B.3	15’ setback required above 13’ when the structure contains a residential use. For each portion above 40’ in height, additional setback at the rate of 2’ of setback for every 10’ exceeding 40’.	Proposes a zero setback along the common property line shared by the Walgreen’s Building.	<ul style="list-style-type: none"> <li>▪ Same as above</li> </ul>	Recommended Approval
3. Street Level Uses – Residential Uses at Street Level SMC 23.47A.005C.1	Residential uses may not occupy, in the aggregate, more than 20% of the street-level, street-facing façade as depicted in Map 5 along N. Allen Pl.	100% residential street-level, street-facing uses along N. Allen Pl.	<ul style="list-style-type: none"> <li>▪ Placing a residential use on N. Allen better meets the neighborhood context. (A-5, C-1)</li> </ul>	Recommended Approval
4. Street Level Uses – Residential Uses at Street Level SMC 23.47A.005C.1	Residential uses may not occupy, in the aggregate, more than 20% of the street-level, street-facing façade as depicted in Map 5 along Interlake Ave N.	71% residential street-level, street-facing uses along Interlake Ave N.	<ul style="list-style-type: none"> <li>▪ Placing a residential use on N. Allen better meets the neighborhood context. (A-5, C-1)</li> <li>▪ Commercial use (29%) anchors the corner of N. 45<sup>th</sup> St. and Interlake Ave. (A-5, C-1)</li> </ul>	Recommended Approval

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
5. Street Level Standards. Street-level Facing Facades. SMC 23.47A.008A.3	Street-level, street-facing facades shall be located within 10' of the street lot line unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.	10.25' setback at the commercial space located along Interlake Ave N.  10.67' setback at the unit patios located along Interlake Ave N.	<ul style="list-style-type: none"> <li>▪ At the corner of Interlake Ave and N. Allen St. the building is pushed back to accommodate a possible sidewalk café. (A-4)</li> <li>▪ Along the residential portion of Interlake Ave, the larger setback accommodates a more generous patio for the below grade units. (A-6)</li> </ul>	Recommended Approval
6. Street Level Standards. Residential Uses SMC 23.47A.008D.2	The floor of a dwelling unit located along the street-level, street-facing façade shall be at least 4' above or 4' below sidewalk grade or be set back at least 10' from the sidewalk.	The street level unit at the corner of Interlake Ave and N. Allen Pl. ranges from 1.57' to 3.42' below grade along the south side of N. Allen Pl.	<ul style="list-style-type: none"> <li>▪</li> </ul>	Recommended Approval
7. Driveway Slopes. SMC 23.54.030D	No portion of a driveway shall exceed a slope of 15% except as provided in subsection 23.54.030D.3.	20% driveway slope along the majority of the ramp.	<ul style="list-style-type: none"> <li>▪ The ramp design reduces headlight glare from vehicles exiting the ramp on to the property across the street and pedestrians. (A-8)</li> </ul>	Recommended Approval

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

- 1) Eliminate the proposed curb bulb on N. Allen that extends, at mid-block, into the street. (A-2)
- 2) Add the following elements to foster community interaction and anchor the northeast corner: break the stem wall to provide permeability and add benches to the same wall; place a tree near the corner; vary the paving materials and the plant selection; set back the storefront windows by eight inches from the masonry; and ensure a well-designed kiosk. (A-7, A-10, C-3)
- 3) Approval of the mural or art on the west elevation requires that the owner/developer include the Wallingford community in the selection of or decision-making for the art. (D-2)
- 4) Vary the type of metal fencing along N. Allen Pl. and Interlake Ave N. (C-4)

## **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the five Board members and the recommendation to approve the design, as stated above.

## **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**.

## **REZONE- ANALYSIS & RECOMMENDATION OF THE DIRECTOR**

The development site possesses two separate zoning classifications: the multi-family commercial zoning Lowrise Three Residential Commercial (LR3 RC) for the four parcels on the north and Neighborhood Commercial Two with a 40 foot height limit (NC2-40) for the five parcels fronting N. Allen Place. The project proponent requests a contract rezone to change the LR3 RC zone to Neighborhood Commercial Two Pedestrian (NC2P-40) to enable a more viable mixed use structure consistent with development expected in much of the surrounding NC2-40 and NC2P040 zones.

The applicant proposes a four to five -story mixed use building with commercial uses fronting on to N. 45<sup>th</sup> St. (and to a lesser extent on Interlake Ave N) and ground floor residential units facing N. Allen Pl. and Interlake Ave. Three to four residential floors would sit atop the base.

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

### **SMC 23.34.004 Contract Rezones.**

- A. *Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City*

*Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

The subject application is for a contract rezone; a PUDA will be developed as part of the City Council review.

*B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The applicant does not seek a waiver from bulk or off-street parking and loading requirements.

### **General Rezone Criteria (SMC 23.34.008)**

The general rezone criteria are presented in italics below, with analysis of the criteria in regular type.

*A. To be approved a rezone shall meet the following standards:*

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The proposed rezone would slightly increase the zoned capacity of the Wallingford Residential Urban Village. The zoned capacity will continue to exceed 125% of the growth targets adopted in the Comprehensive Plan for the Wallingford Residential Urban Village.

*B. Match Between Zone Criteria and Area Characteristics - The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

A large percentage of the Wallingford commercial corridor along North 45<sup>th</sup> Street has a NC2P 40 zoning designation. Mixed use development has occurred along the node at Stone Way N. and at other sites between Stone Way and Interstate 5. Only a small area centered at the corner of Interlake Ave N and N. 45<sup>th</sup> actually has a LR3 RC classification. The proposed rezone would change four parcels at the intersection's southwest corner in effect expanding the adjacent NC2P 40 zone from the west and the NC2 40 zone to the south which includes the applicant's five contiguous parcels to the south. The rezone would enable the proposal for the development site to relate to much of the newer mixed use buildings to the west.

The parcel is well-suited for expanding the NC2P 40 designation along N. 45<sup>th</sup> St. The proposed intensity of development on the parcel is greater than that anticipated in NC1, while the pedestrian orientation of development in the Wallingford commercial corridor supports a Neighborhood Commercial zoning category, rather than a Commercial one. The desired existing character for an NC2 zone “supports or encourages a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, of the surrounding neighborhoods and that accommodates other uses that are compatible with the retail character of area such as housing or offices” reasonably describes the Wallingford business district. Properties to the west and south, and west also are zoned NC2.

*C. Zoning History and Precedential Effect - Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

The four parcels have not been recently rezoned.

*D. Neighborhood Plans -*

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*

The City Council adopted portions of the Wallingford Neighborhood Plan as amendments to the Seattle Comprehensive Plan by Ordinance 119217 on November 2<sup>nd</sup>, 1998.

- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The proposal is consistent with the adopted Wallingford Neighborhood Plan. Specifically, the proposal furthers the following goals and policies of the Neighborhood Plan. *W-G1, a neighborhood with a vital commercial district serving the residential core.* The proposal provides commercial retail to increase the retail offering of the N. 45<sup>th</sup> St. corridor and adds density to the residential core. *W-G2, a community with housing and amenities that support a population of diverse incomes, ages and other social characteristics.* The proposal contains a mix of rental housing unit types for a diverse population with shared tenant amenity spaces. *W-P9, seek to make a wide variety of housing types available to meet the needs of diverse populations and families and explore options to provide affordable homes.* A redeveloped site will contain a high quality mixed use building with a variety of rental housing unit types. *W-P11, encourage development of housing for a wide range of incomes.* The project will provide a variety of rental unit sizes including studios, one-bedroom and two-bedroom apartments. The applicant currently plans to enter the Multi-family Tax Exemption (MFTE) program.

*W-P12, encourage retention of a wide range of age groups residing in Wallingford.* The variety of unit types and the proximity to neighborhood services should attract tenants from several age cohorts. *W-G3, a neighborhood of pleasant and exciting streets that promote walking, transit use and interactions between neighbors.* The development proposal places commercial uses at N. 45<sup>th</sup> St. similar to the rest of the business corridor with pedestrian amenities including a kiosk, overhead weather protection and benches. The Interlake and N. Allen Pl frontages will have building setbacks and landscaping to ensure a pedestrian orientation. *W-P19, strive to create streets with sidewalks that are pleasant public places with safe and convenient street crossings*

*and a balanced interaction between pedestrian, bicycle, car, bus and truck traffic.* The applicant proposes to widen the N. 45<sup>th</sup> St. sidewalk, add a curb bulb at the intersection with Interlake Ave, install overhead weather protection and create space for a potential sidewalk café. The curb bulb will ensure pedestrian safety along a busy corridor.

*W-G4, a neighborhood that maintains and promotes a vital business community.* The proposal adds approximately 6,110 square feet of commercial space to N. 45<sup>th</sup> St. and tenants who will use the neighborhood restaurants and services in the vicinity. New commercial space will help link the two commercial areas of the corridor now separated by the multifamily zoning and the modest commercial use in the RC zone. *W-P21, strive to maintain, promote and beautify a vital business community which is clean, safe and accessible.* The new development will replace single family houses several feet above and removed from the street level with pedestrian oriented commercial uses. The existing two-story mixed use building will be replaced with a larger more functional structure. *W-G5, a neighborhood that feels like “a small town in a big city”.* The proposal extends the Wallingford commercial corridor by adding space for small scale pedestrian oriented business and new captive customers to the neighborhood.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

The adopted Wallingford Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones.

4. *If it is intended that rezones of particular sites or area identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The adopted Wallingford Neighborhood Plan does not specifically address the rezone of the project site.

*E. Zoning Principles. The following zoning principles shall be considered:*

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The property is currently zoned LR3 RC. By rezoning the four subject parcels, the property would better conform to much of the surrounding zoning and help link the mixed use node at Stone Way N. and N. 45<sup>th</sup> St. with the commercial corridor along N. 45<sup>th</sup> St. The property to the west of the project site, a three story building housing a Walgreen's and offices, is zoned NC2P 40 with a 25' wide slot zoned LR3 RC adjacent to the proposed rezone. The properties across N. 45<sup>th</sup> St are zoned NC2P and LR3-RC and house Archie McPhee, Boys and Girls Club, Dandelion Salon, Nail and Wax and Olympia Pizza---all commercial business with the exception of the Boys and Girls Club. The adjacent parcels to the south, which are zoned NC2 40, are included as part of the proposed development. Across N. Allen St to the south University House, a retirement home, also possesses a NC2 40 zone. To the east across Interlake Ave lies a mixed

use building that houses a wine bar and a beauty salon. Lincoln High School to the southeast occupies a sizeable campus, zoned LR 2.

A rezone of the four parcels leaves a 25 foot wide gap along N. 45<sup>th</sup> St to the west of the site that would remain LR3 RC zone. A three-story building (Walgreen's) and its surface parking lot occupies this split zoned site. The subject site could support a structure similar to the mixed-use building at 1401 N. 45<sup>th</sup> St; however, the design would not necessarily appear as completely integrated as the one proposed due to differences in setbacks and structure length and depth regulations.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines, and shorelines;*
  - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
  - c. *Distinct change in street layout and block orientation;*
  - d. *Open space and green spaces.*

The properties surrounding the site are zoned NC2-40, NC2P-40 and LR3 RC. Existing and potential uses surrounding the site, as well as the intensity of the existing and potential uses, are consistent with the proposed NC2P 40 zoning. Due to the adjacent streets separating the LR3 RC zone, there is no need for physical buffers between the uses. Development in a LR RC zone could achieve the 40 foot height limit albeit with setbacks, allowing for a relatively similar building.

3. *Zone Boundaries*
  - a. *In establishing boundaries the following elements shall be considered:*
    - (1) *Physical buffers as described in subsection E2 above;*
    - (2) *Platted lot lines.*

The proposed rezone follows existing platted lot lines and is separated from other zoning designations by a street right-of-way. The only exception is a 25' wide gap to be established to the west of the site. The three-story Walgreen's building would remain split-zoned.

- b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The current patterns of residential and commercial uses will not change as a result of a rezone. The proposed project would have commercial uses face the N. 45<sup>th</sup> St commercial corridor and ensure that residential uses front University House.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The project site lies within the Wallingford Residential Urban Village. The building height would conform to the NC2P 40 zone.

*F. Impact Evaluation - The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

*1. Factors to be considered include, but are not limited to, the following:*

- a. Housing, particularly low-income housing;*
- b. Public services;*
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
- d. Pedestrian safety;*
- e. Manufacturing activity;*
- f. Employment activity;*
- g. Character of areas recognized for architectural or historic value.*
- h. Shoreline view, public access and recreation.*

- a) The project will replace eight single family residences (and will comply with the City of Seattle Tenant Relocation Assistance Ordinance [TRA0]) with 146 new units of market-rate apartments. The project will utilize the City's Multifamily Tax Exemption ordinance (MFTE), which requires that all units occupied by low income tenants (defined as those that qualified for tenant relocation assistance) be replaced on a one-to-one basis with units at or below 50 percent of median income. The project may have a positive impact by providing low income units in addition to the more moderately affordable requirement of the MFTE program (20% of the units must meet certain affordability requirements).
- b) Public services will be available to the project due to its location in a highly developed urban area. No significant impacts to public services are anticipated.
- c) A SEPA analysis has been conducted (see SEPA analysis below) and has shown that no significant impacts will occur to the environment. An arborist's evaluation of the existing trees on the site concludes that there are no exceptional trees with several of the trees in poor condition. Three of the large existing street trees along N. 45<sup>th</sup> St will be retained and new street trees will replace the existing trees along Interlake and N. Allen Pl. No impacts to noise, air and water quality are expected. The project will be designed to meet the current energy code and will therefore meet energy conservation expectations.
- d) The proposal will enhance pedestrian safety by consolidating driveway/curb cuts that currently exist on the nine parcel site, creating a more continuous pedestrian sidewalk environment. Additional improvements include sidewalk widening along N. 45<sup>th</sup> St., a new curb bulb at N. 45<sup>th</sup> and Interlake Ave that will reduce crossing distances.
- e) The proposal will not impact or provide manufacturing activity.
- f) The completed building will provide the opportunity for employment in the street level commercial spaces. The rezone could allow slightly larger commercial spaces than the LR RC zone.

- g) No designated historic structures have a presence near the project site; the Wallingford area does not possess a landmark district designation. No impacts to buildings of architectural or historic value will occur.
  - h) The site does not lie within a shoreline district.
2. *Service capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
- a. *Street access to the area;*
  - b. *Street capacity in the area;*
  - c. *Transit service;*
  - d. *Parking capacity;*
  - e. *Utility and sewer capacity;*
  - f. *Shoreline navigation.*

The surrounding streets would continue to operate at the same levels of service with minimal impacts. The site lies within a frequent transit corridor. The project would increase ridership but will not impede transit service to the area. 146 parking stall will be provided within an on-site garage. Residential parking demand will be met by the quantity of parking. Parking demand for the commercial activity will be absorbed with the available on-street parking capacity. Seattle Public Utilities and Seattle City Light have indicated that sewer, stormwater, and electrical capacities are sufficient to serve the project. A storm sewer extension will be provided on N. Allen Place to connect to the main storm drain in Stone Way. The site does not lie within a shoreline area.

*G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in this chapter.*

The immediate neighborhood has witnessed an increase in the number of mixed use projects. By 1995, the neighborhood witnessed the structure to the east built. By 2007, two of the four corners at Stone Way and N. 45<sup>th</sup> St. gained new mixed use structures. Similar development continues south along Stone Way N.

*H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The site does not possess an overlay district.

*I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

The site does not possess an environmental critical area.

*J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met.*

The site is not located in a zone with an incentive zoning suffix.

Height Limits of the Proposed Rezone (SMC 23.34.009)

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. *Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

In an urban village, such as this portion of Wallingford, the height limit for LR3 is 40 feet. The proposed rezone would have a height limit of 40 feet similar to the properties surrounding it. In the nearby LR2 zone to the southeast, which has a height limit of 30 feet, portions of Lincoln High School appear to have a height of much greater than 30 feet.

- B. *Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The requested rezone does not change the height limit of the property. There are no topographic features that would make the 40 foot height limit out of place. The proposal would not result in significant adverse view blockage impacts.

- C. *Height and Scale of the Area.*

1. *The height limits established by current zoning in the area shall be given consideration.*
2. *In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

The property is currently in a zone with a 40 foot height limit (LR3 RC in a residential urban village). The requested rezone would not change the height limit. Existing development varies in height with some of the taller neighborhood buildings located in close proximity to the site including the adjacent Walgreens building (approximately 40'), University House (44') located directly to the south, new mixed-use buildings on Stone Way (44'), and Lincoln High School (36 to 67' above street level) to the southeast.

- D. *Compatibility with Surrounding Area.*

1. *Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding building developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*

2. *A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.*

The proposed 40 foot height limit is compatible with actual and zoned heights in the area as discussed above. There is no need to provide a gradual transition for the four parcels as the surrounding area allows for the same height limit. University House and the campus like setting of Lincoln High School serve as buffers to the single family zone to the south.

*E. Neighborhood Plans.*

1. *Particular attention shall be given to height recommendations in business district plans or neighborhood plan adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*
2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and 23.34.008.*

The Wallingford Neighborhood plan does not make height recommendations for this area.

**Lowrise Three (LR3) zone, function and locational criteria (SMC 23.34.020)**

*A. Functions. The dual functions of the LR3 zone are to:*

1. *Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
2. *Accommodate redevelopment in areas within urban centers, urban villages, and Station Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

The property is located in the Wallingford Residential Urban Village. Characterized by small retailers and commercial activity, N. 45<sup>th</sup> St is a busy urban corridor not suited to at-grade residential development which would be required under the LR3 zone. Thus, the existing character of the area does not meet the dual functions of the LR3 zone, which are to provide multifamily residential development.

*B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*

1. *The area is either:*
  - a. *Located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban*

*Village, and the Lake City Hub Urban Village, the Bitter Lake Hub Urban Village, and the Admiral Residential Hub Urban Village; or*

The property does not meet this criterion. It is located in the Wallingford Residential Urban Village.

- b. Located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*

The property meets this criterion. Its location in the Wallingford Residential Urban Village on an arterial, N 45<sup>th</sup> Street is characterized by structures of 30 to 40 feet tall.

- 2. The area is near neighborhood commercial zones with comparable height and scale;*

The property is currently zoned LR3-RC. However, the predominant neighboring zoning along the North 45<sup>th</sup> Street corridor and the Stone Way corridor to the south is NC2-40. Most recent development has a comparable height, bulk and scale that matches the NC2-40 zone.

- 3. The area would provide a transition in scale between LR1 and LR2 zones and more intensive multifamily and/or commercial zones;*

The property is currently zoned LR3-RC. The only LR2 zone adjacent to the property is to the southeast of the site and is occupied by the Seattle School District Lincoln High School building currently used by the Lowell Elementary APP program. The school campus does not comply with current zoning envelope restrictions and varies in height from 35' to 66' above the grade of Interlake Ave N. The zoning surrounding the property is either LR3-RC or NC2-40. Therefore, the existing LR3-RC zoning does not provide an appropriate transition in scale to lower rise or lower intensity zones.

- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*

North 45<sup>th</sup> Street to the north, Interlake Avenue N to the east and North Allen Place to the south have street widths that accommodate two-way traffic and parking along at least one curb.

- 5. The area is well served by public transit;*

Both North 45<sup>th</sup> Street and Stone Way are frequent transit corridors.

- 6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*

The property has direct access to North 45<sup>th</sup> Street to the north. The site lies a half block on N. Allen St. from Stone Way, an arterial street. Both arterials can accommodate vehicles such that cut through traffic does not need to use residential streets.

7. *The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities;*

The area is well supported by commercial businesses along North 45<sup>th</sup> Street and Stone Way as well as community services including the Wallingford Branch of the Seattle Public Library and Wallingford Playfield. There is existing pedestrian access to these facilities.

- C. *The LR3 zone is also appropriate in areas located in the Delridge High Point neighborhood revitalization area.*

Not applicable.

- D. *Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone.*

Not applicable.

## Summary

The dual functions of the LR3 zone to provide a variety of multifamily residential neighborhoods with a mix of small to moderate scale residential structures does not match the current development and zoning along the N 45<sup>th</sup> Street commercial corridor. The LR3 locational criterion specifically excludes the Wallingford Residential Urban Village.

The project site does not meet the functional nor locational criteria of the LR3 zone.

## **SMC 23.34.024 Midrise (MR) zone, function and locational criteria.**

- A. *Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.*

The property is located in a residential urban village, but not near a regional transit station. There are employment opportunities within the Wallingford commercial core and a long walk to a major employment center, the University of Washington.

- B. *Locational Criteria. The MR zone is most appropriate in areas generally characterized by the following conditions:*

a. *Threshold Conditions. Subject to subsection 23.34.024.B.2 of this section, properties that may be considered for a Midrise designation are limited to the following:*

i. *Properties already zoned Midrise;*

The property does not meet this criterion. It is currently zoned LR3-RC.

ii. *Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*

The property does not meet this criterion. The predominant zoning along N 45<sup>th</sup> Street and Stone Way is NC2P-40 bordered by LR2 and SF 5000. There is no MR zoning west of the I-5 corridor within the Wallingford/Fremont neighborhoods.

iii. *Properties with an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.*

The property is located in the Wallingford Residential Urban Village. The adopted Wallingford Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones.

b. *Environmentally Critical Areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either*

1. *Was created by human activity, or*

2. *Is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.*

The property does not lie within a designated Environmentally Critical Area.

c. *Other Criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*

i. *Properties that are adjacent to business and commercial areas with comparable height and bulk;*

The MR zone allows buildings up to 60 feet in height with 15 additional feet possible through incentives. Predominant heights within the district vary from single story structures to no greater than 44 feet including the 4 foot height bonus for allowed within the current NC zoning of the district. Portions of Lincoln High School apparently extend beyond the height limit allowed in either the NC2 40 or the LR3 zones.

- ii. *Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development.*

Two minor arterials North 45<sup>th</sup> Street and Stone Way serve the area. Public bus transit service is good due to several routes crossing through the neighborhood.

- iii. *Properties in areas that are in close proximity to major employment centers;*

Although employment opportunities are available within the district. Major employment centers, the University of Washington, South Lake Union, and downtown, are within bus, auto and bicycle commuting distance.

- iv. *Properties in areas that are in close proximity to open space and recreational facilities;*

The project is within one half mile of Green Lake and the Woodland Park playfields and a quarter mile from the Wallingford playfield.

- v. *Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*

Although N. 45<sup>th</sup> St does not have significant topographic changes, Stone Way N. begins its descent to Lake Union near its intersections with N. 45<sup>th</sup> St.

- vi. *Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*

Although there are structures of greater than 40 feet along the N 45<sup>th</sup> Corridor, the prevailing structure heights including the LR2 and SF5000 zones are less than 37 feet.

- vii. *Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*

The site and surrounding neighborhood gently slopes to the west. There are no view opportunities due to the slope. This is not applicable to this site.

- viii. *Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone;*

The site and surrounding neighborhood gently slopes to the west. There are no view opportunities due to slope. This is not applicable to this site.

- ix. *Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

The site and surrounding neighborhood gently slopes to the west. There are no view opportunities due to slope. This is not applicable to this site.

### Summary

The project site does not meet the functional nor locational criteria of an MR designation. The site is not located near a regional transit station and is only marginally within walking distance of a major employment center. It is not currently zoned MR nor is it near an MR zone or structures that might resemble a 60 foot high apartment building. MR zoning does not have a presence west of the I-5 corridor within the Wallingford/Fremont neighborhoods. The MR zone would allow building up to 60 feet with 15 additional feet possible through incentives, only a small portion of the N. 45<sup>th</sup> St. corridor has zoning that allows 65 foot high structures. Predominant heights within the district vary from one to four stories. The site is not served by a major arterial and the site is not along an arterial with topographic changes.

### **SMC 23.34.070 Residential-Commercial (RC) zone, function and locational criteria.**

#### A. Function.

##### *1. Purposes. Areas that serve as the following:*

- a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*

The area is not characterized by commercial strip centers; it does not meet the criterion.

- b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*

It would not be appropriate to downzone this site. The site is located in a 1.5 block long stretch of North 45<sup>th</sup> Street zoned LR3-RC between well-established NC2P-40 zones. The existing Neighborhood Commercial zones are well-developed with commercial and multifamily uses. The site would be more appropriately zoned as a continuation of the 45<sup>th</sup> Street commercial corridor.

- c. To provide opportunities for needed parking in areas where spillover parking is a major problem;*

The applicant's transportation consultant's analysis (see the SEPA section below) indicates that adequate on-street parking exists to accommodate the proposed commercial uses. The project's parking garage would meet the generated peak residential demand.

- d. As a means of supporting an existing commercial node.*

The site is located in a 1.5 block-long stretch of North 45<sup>th</sup> Street zoned LR3-RC sandwiched between well-established NC2P-40 zones. The Neighborhood

Commercial zones are well-developed with commercial uses. The site would be more appropriately zoned as a continuation of this mixed use/commercial corridor.

2. *Desired Characteristics. Areas that provide the following:*

a. *Physical appearance resembling the appearance of adjacent residential areas;*

In appearance, the corner at the intersection of Stone Way and N. 45<sup>th</sup> St. has evolved to include mostly four-story brick buildings. Other examples occur elsewhere to the east on the N. 45<sup>th</sup> St. corridor. The proposed building with its predominately brick facades will respond to both the mixed use node at Stone Way and the venerable Lincoln High School.

b. *Mixed use with small commercial uses at street level.*

Structures on North 45<sup>th</sup> Street are larger in scale and mass than that of the residential areas it supports to the north and south. The North 45<sup>th</sup> Street corridor is largely comprised of commercial development in a variety of small to medium-sized buildings. The existing single family structures on the site are set back from the street and sit above about six feet above sidewalk grade. The existing condition appears as a visual anomaly at the west end of the Wallingford commercial district. The rezoning of this property will provide additional residential density in support of the commercial district to both the east and west and will bridge the gap with new vibrant commercial storefronts linking these two commercial nodes.

B. *Locational Criteria.*

1. *Requirement. A residential-commercial designation shall be combined only with a multifamily designation.*

The RC designation is currently combined with the LR3 designation. The rezone would match the predominant existing zoning along the North 45<sup>th</sup> Street commercial corridor.

2. *Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:*

a. *Existing Character.*

(1) *Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or*

(2) *Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.*

The corridor along North 45<sup>th</sup> Street has a vibrant commercial and pedestrian character. Accessory surface parking lots would not likely enhance pedestrian activity. A parking structure in a NC2 zone would be better able to provide accessory parking to limit spillover.

*b. Physical Factors Favoring RC Designation.*

- (1) Lack of edged or buffer between residential and commercial uses;*
- (2) Lack of buffer between major arterial and residential uses;*
- (3) Streets with adequate access and circulation;*
- (4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.*

The site is located in the middle of a vibrant commercial corridor. The rezone would connect two portions of the neighborhood commercial corridor. Zoning principles normally include commercial zoning along arterials such as North 45<sup>th</sup> Street. North 45<sup>th</sup> Street does have adequate access and circulation. Spillover over parking generated by the project would be accommodated by available on-street parking. Use of the project site to accommodate spillover parking would not be appropriate due to its location along the commercial corridor.

**Summary**

The project site does not meet the functional and locational criteria of an RC designation. The four parcels are not with a zone of commercial strip development. The project site would not be appropriate for accessory parking in support of the existing commercial area. The rezoning of this property will provide additional residential density in support of the commercial district to both the east and west and will bridge the gap with new commercial storefronts linking these two commercial areas.

**SMC 23.34.072 Designation of Commercial Zones**

*A. The encroachment of commercial development into residential areas shall be discouraged.*

The site's location along a corridor of commercial development does not encroach into a predominantly residential area.

*B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

The site is currently zoned LR3-RC. This criterion does not apply.

*C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Section 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The site is contiguous with the existing neighborhood commercial zone (NC2P-40) along North 45<sup>th</sup> Street. It is surrounded by NC2-40 and LR3-RC zones developed with commercial and multifamily housing in a variety of scales. It does not conflict with preferred configurations and edge protections of residential zones.

*D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

The site is located along the well-established commercial corridor of North 45<sup>th</sup> Street and one-half block from the commercial activity located on Stone Way North. The result of the proposed rezone will reinforce the mixed use commercial activity along the North 45<sup>th</sup> Street corridor.

**SMC 23.34.074 Neighborhood Commercial 1(NC1) zones, function and locational criteria.**

A. *Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*

1. *A variety of small neighborhood-serving businesses;*

The commercial retail along N 45<sup>th</sup> Street, while serving the Wallingford neighborhood, also provides shopping opportunities for the larger Seattle community. The project will provide approximately 6,500SF of retail space subdivided into potentially three to four retail spaces.

2. *Continuous storefronts built to the front lot line;*

The proposed project will provide continuous storefronts built within three to five feet of the lot line along N 45<sup>th</sup> Street to provide a wider sidewalk for pedestrian access.

3. *An atmosphere attractive to pedestrians;*

The wider sidewalk, a landscaped corner with a curb bulb and the possibility of a sidewalk café (on Interlake Ave.) will provide an attractive environment for pedestrians.

4. *Shoppers walk from store to store.*

The proposed project will connect the retail district to the east with the newer mixed-use development to the west allowing shoppers to walk uninterrupted along 45<sup>th</sup> Street from store to store; walking from store to store is a normal activity in the Wallingford neighborhood.

B. *Locational Criteria. A neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*

The project site is within the Wallingford Residential Urban Village and is flanked by the predominantly NC2P-40 zoning to the west and a one block area of LR3 RC zoning to the east. It is neither isolated nor peripheral to the primary Wallingford business center, but an integral part of (and missing link within) the Wallingford commercial stretch along N 45<sup>th</sup> Street.

2. *Located on streets with limited capacity, such as collector arterials;*

The site is located on N 45<sup>th</sup> Street which is classified as a minor arterial route, not a collector arterial. It does not have limited capacity as it includes single lanes traveling both way, with a center turn lane and street parking on both sides of the street.

*3. No physical edges to buffer the residential areas;*

The project site is adjacent to LR3-RC zoning which allows commercial development in a multi-family zone, and LR2 zoning to the east-southeast across Interlake Avenue. The rest of the surrounding area is zoned NC2P-40. The property zoned LR2 is developed with Lincoln High School currently used as a magnet school by the School District. All residentially (multifamily) zoned areas adjacent to the site are separated by street right of way (Interlake Avenue). Thus, physical edges buffer multifamily residential uses from the project site.

*4. Small parcel sizes;*

The portion of the site seeking the rezone is approximately 17,291 square feet, comprised of four parcels. The street frontage of the four parcels along North 45<sup>th</sup> street totals approximately 182 feet long with a depth of approximately 95 feet on Interlake Ave N. Some smaller parcels exist along N 45<sup>th</sup> Street; however, the district is not primarily comprised of small structures on small parcels.

*5. Limited transit service.*

The site has frequent transit service along N 45<sup>th</sup> Street, a major transit corridor, and Stone Way, a minor transit corridor, per the City of Seattle Department of Transportation Transit classification maps.

## **Summary**

The NC1 zoning designation is intended for areas of lower density on the periphery of an Urban Village or Urban Center and along streets of limited capacity. The NC1 zone does not meet the locational criteria for this site. Located within the Wallingford Residential Urban Village, the site faces onto a minor arterial street of two way traffic with center turning lane and curbside parking. The predominant zoning is NC2P-40 and NC2-40. An NC1 designation would create an anomalous zone.

## **SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria**

*A. Function. To support or encourage a pedestrian oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*

*1. A variety of small to medium-sized neighborhood-serving businesses;*

*2. Continuous storefronts built to the front lot line;*

*3. An atmosphere attractive to pedestrians;*

4. *Shoppers can drive to the area, but walk from store to store.*

The surrounding area includes a variety of small- and medium-sized neighborhood businesses such as Walgreens, Wallingford QFC, Molly Moon's, Olympia Pizza, Tutta Bella Pizza, Wells Fargo Bank and numerous neighborhood businesses supported by pedestrians walking from business to business. The character of the area includes storefronts built to the front lot line, mixed use buildings, single family residences, as well as older commercial buildings that include surface parking lots. The area is pedestrian friendly and attractive.

Following the contract rezone, these neighborhood attributes will not change. The residents of the 158 new apartment units will increase the vibrancy of the area by supporting current and new business in the district. In addition, the proposal will add commercial spaces consistent with the scale of small- and medium-sized neighborhood businesses. Characteristics of the project include the following: a mixed use structure built to the front lot line, with the street level retail stepped back 4 feet to provide a widened 15 foot sidewalk along North 45<sup>th</sup> St and continuous commercial along North 45<sup>th</sup> St. which will turn the corner extending south along Interlake Ave. N. Increased street-level activity should improve safety in the pedestrian realm and provide a stronger connection between the businesses along North 45<sup>th</sup> St. with those on Stone Way N. enabling shoppers to walk from store to store.

B. *Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*

The property meets this criterion. The property is located in the Wallingford Residential Urban Village. The N. 45<sup>th</sup> Street commercial corridor is integral to the Wallingford business district. In addition, the business district extends for over 15 blocks east to I-5 and on into the University District and two blocks to the west to Midvale Avenue North.

2. *Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

The property meets this criterion. N. 45<sup>th</sup> Street is classified as a Minor Arterial (*Seattle Arterial Classifications Planning Map*) and defined as a major transit street in the Seattle Transit Classification Map. NC2P zoning is the predominant classification for the N. 45<sup>th</sup> Street corridor although N. 45<sup>th</sup> is designated as a major transit street, N. 45<sup>th</sup> St.

3. *Lack of strong edges to buffer the residential areas;*

The area lacks strong edges, such as street breaks or topographical breaks, to buffer the residential areas. The project site itself is directly adjacent to NC2 and LR3 zoning. Single family zoning designations are located approximately 1.5 blocks to the northeast of the property, north of N. 45th Street, and approximately 1.5 blocks away to the southwest. Single family zones are often buffered with LR zones to the north and south of North 45<sup>th</sup> Street.

4. *A mix of small and medium sized parcels;*

The area has a mix of parcel sizes. The subject property for the rezone is 17,290 SF comprised of four parcels fronting N. 45th Street; Parcel 1 – 4,750 SF, Parcel 2 – 4,750 SF, Parcel 3 – 4,750 and Parcel 4 – 3,040 SF respectively from east to west. Smaller parcels dominate the LR3 and single family zones neighboring the site. Along N. 45<sup>th</sup> St., certain property owners have assembled smaller parcels to create larger developments.

5. *Limited or moderate transit service.*

North 45th Street is defined as a “frequent transit service” street. SMC 23.84A.038. It is also defined as a Major Transit Street in the Seattle Transit Classification Map.

**SMC 23.34.086 (Pedestrian designation (suffix P), function and locational criteria)**

A. *Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:*

1. *A variety of retail/service activities along the street front:*

The proposal will provide a variety of retail opportunities along North 45<sup>th</sup> Street to link the pedestrian district to the east with the district to the west.

2. *Large number of shops and services per block;*

The North 45<sup>th</sup> Street retail corridor has been bestowed with a rich pedestrian shopping experience to the east and west of the project site with over 75 businesses. The project will provide added retail or other commercial uses to this district.

3. *Commercial frontage uninterrupted by housing or auto-oriented uses;*

The project will provide continuous commercial street frontage along North 45<sup>th</sup> and will turn the corner onto Interlake Avenue North, to reinforce the continuous street/wall massing in the district.

4. *Pedestrian interest and activity;*

The existing single family structures are set back from the street and sit on a raised grade over six feet above the sidewalk forming an interruption in mixed use or commercial activity at the west end of the Wallingford commercial district. The project will provide additional residential density in support of the commercial district to both the east and west and will replace this section with new commercial storefronts at sidewalk grade.

5. *Minimal pedestrian-auto conflicts.*

The project will eliminate one driveway/curb cut that currently allows exiting onto North 45<sup>th</sup> St. The project will also remove five curb cuts for driveways on Interlake Ave N. and N. Allen Place and add one ingress/egress drive on N Allen Place to minimize the pedestrian-auto conflicts on the busier streets.

B. *Locational Criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:*

1. *Pedestrian district surrounded by residential areas and/or major activity centers; or a commercial node in an urban center or urban village;*

The North 45<sup>th</sup> Street corridor provides the commercial core for the Wallingford Residential Urban Village. The project will support the existing retail core with added residential density and enhance the commercial core with added commercial uses.

2. *NC zoned areas on both sides of an arterial, or NC zoned block faces across an arterial from a park, major institution, or other activity center;*

The predominant zoning along both sides of North 45<sup>th</sup> from Midvale Avenue North to the University District is neighborhood commercial.

3. *Excellent access for pedestrians, transit, and bicyclists.*

The length of North 45<sup>th</sup> Street is populated with walkable amenities and pedestrian oriented services. The project is located within a frequent transit corridor based on SDOT GIS service map with transit routes including Route 16 – Northgate to Downtown, Route 44 – Ballard to Montlake and Route 82 – Queen Anne, Wallingford, Green Lake and Greenwood. The Wallingford Neighborhood Greenway, Seattle’s first neighborhood bicycle greenway, is one block to the south on N 43<sup>RD</sup> St. extending between Stone Way N. and Latona Ave NE. The greenway provides a safe pathway to access the commercial along the North 45<sup>th</sup> Street corridor. Stone Way N. has separated bicycle lanes.

## **RECOMMENDATION – REZONE**

The site's current zoning represents a weak match for the criteria of its LR3-RC classification. In fact, the LR3 criteria specifically states that properties in the Wallingford Residential Urban Village should not be zoned LR3. Suitability for a NC1 designation also lacks a persuasive argument as the Wallingford commercial corridor remains a denser urban environment than typical for a NC1 zone. The closest NC1 zones are small nodes at the intersections at N. 50<sup>th</sup> St. and 1<sup>st</sup> Ave NE and at N. 40<sup>th</sup> St. and Wallingford Ave N. MR RC zoning allows for greater heights than what zoning in most of the N. 45<sup>th</sup> St. and Stone Way N. corridors allows. Currently, the Wallingford and Fremont do not have neighborhoods designated with MR zoning.

The predominant surrounding uses and scale of existing buildings and its location along the N 45<sup>th</sup> Street corridor best suit the proposed property to the functional and locational criteria of the NC2P-40 zone. This rezone represents an appropriate or befitting means to better link the two NC2P-40 zones flanking it to the east and west. The requested rezone will increase residential density, add neighborhood commercial offerings, and improve the pedestrian experience along this corridor.

The proposed contract rezone is consistent with applicable policies in the Comprehensive Plan and in the Wallingford Neighborhood Plan. The design of the building is consistent with the existing character of the surrounding area and will complement the existing three-story office building to the west, and the five-story apartment building to the south. The project will also provide significant pedestrian amenities and meets the Wallingford Neighborhood specific design guidelines.

Application of the rezone criteria of the Land Use Code indicates that the proposed rezone changing the zoning from LR3 RC to NC2P-40 should be approved. Therefore, the Director recommends **APPROVAL** of the proposed rezone.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 22, 2013. 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

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

### Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The recommendation is for a SEPA condition that prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

### Air Quality

Construction of the proposal is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings. This stipulation shall be included in the construction traffic management plan.

### Earth

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 soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. 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.

### Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation on the east side of the parcel's slope is approximately 11.33 feet and will consist of an estimated 27,750 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City 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 enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Traffic and Parking

Construction of the mixed use structure is proposed to last approximately 18 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity

due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, a construction worker parking plan will propose a means to reduce worker on-street parking until the parking garage can safely allow worker parking on the site for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 27,750 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require an estimated 2,775 round trips with 10-yard hauling trucks or 1,388 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along NE Northgate Way. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; 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 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 and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, and parking impacts warrant further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Historic Preservation

A two-story mixed use structure and eight single family residences were reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing buildings would meet the standards for designation as landmarks.

### Traffic and Transportation

Trip generation rates developed by the Institute of Transportation Engineers (ITE) were used to estimate daily and PM peak hour traffic that would be generated by the proposed development using ITE categories of “mid-rise apartments” and “specialty retail”. Taking into account trips that would no longer be made to the uses being removed from the site, the project would generate 723 new daily trips and 59 new PM peak hour trips.

A traffic study by Gibson Traffic Consultants analyzed potential project impacts at six nearby intersections and the site access driveway on N. Allen Place. Analysis of six of the seven intersections indicates that the Harbor N. 45<sup>th</sup> development traffic would not cause any study intersections to degrade to an unsatisfactory level of service (LOS), or impact any intersection already functioning poorly. The intersection at Stone Way N. and Green Lake Way/N.50<sup>th</sup> St. will degrade from an LOS of E to F due to other future developments whether or not the project is constructed. Gibson states that the intersection of Stone way N. at Green Lake Way/N. 50<sup>th</sup> St. presently operates at LOS E for existing peak-hour conditions. With background growth the intersection will operate at LOS F with 86.0 seconds of delay. With the addition of the project, this five leg intersection will operate at LOS F with an average peak delay of 86.2 seconds. The additional delay at this intersection is .2 seconds per vehicle for the new project (or an added six net new trips during the PM weekday peak hour); therefore, the change in operations and additional delay will likely not be noticed by the average driver. No SEPA mitigation of transportation impacts is warranted.

### Parking

The applicant has proposed a total of 146 off-street parking stalls as part of the project. Based on local vehicle ownership data, the residential component of the project is expected to generate a peak parking demand of 138 vehicles, all of which could be accommodated on-site.

The commercial parking would have a parking demand that would need to be accommodated off-site. The commercial spaces total 6,499 square feet split between four potential commercial suites or spaces. Restaurant uses would potentially occupy three of the four spaces. A general retail sales and service use would lease the remaining space. According to Gibson Traffic Consultants, Inc., the commercial uses generate a parking demand of approximately 33 parking spaces with a peak time between six and nine PM. Basing its analysis on another urban village in Seattle, the traffic consultant estimates a 70% reduction in retail trips/parking demand in dense areas with high transit compared to suburban type retail strips. This would reduce the parking demand from 33 spaces to ten parking spaces for the commercial use.

Gibson conducted an on-street parking utilization study within 800 feet of the project site. During the peak restaurant parking demand period of 6-9PM, approximately 82% of the on-street spaces in the area were occupied. The addition of ten to 33 vehicles from the restaurant and retail uses would increase on-street parking utilization to 84-87 percent of the on-street supply.

At this level, persons seeking to park might need to look slightly longer or park a little further from their destination to find an available space; however, this impact would be minor and would occur only during peak hours of restaurant operation. Additionally, closure and consolidation of existing curb cuts on the project site will slightly increase future on-street parking supply, reducing the project's parking impact.

Based on this analysis, no SEPA mitigation of parking impacts is warranted.

### Summary

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

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of 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 – DESIGN REVIEW**

#### Prior to MUP Issuance

Revise plans sets to show:

1. Eliminate the proposed curb bulb on N. Allen that extends, at mid-block, into the street.
2. Add the following elements to foster community interaction and anchor the northeast corner: break the stem wall to provide permeability and add benches to the same wall; place a tree near the corner; vary the paving materials and the plant selection; set back the storefront windows by eight inches from the masonry; and ensure a well designed kiosk.
3. Vary the type of metal fencing along N. Allen Pl. and Interlake Ave N.

Prior to Building Application

4. Include the departure matrix in the zoning summary section 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.

Prior to Commencement of Construction

5. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.
6. Approval of the mural or art on the west elevation requires that the owner/developer include the Wallingford community in the selection of or decision-making for the art.

Prior to Issuance of all Construction Permits

7. Embed the MUP conditions in the cover sheet for all subsequent permits including updated building permit drawings.

Prior to Issuance of a Certificate of Occupancy

8. 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 planner assigned to this project (Bruce P. Rips, 206.615-1392). An appointment with the assigned Land Use Planner must be made at least five (5) 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.

**RECOMMENDED CONDITIONS – SEPA**

Prior to Issuance of Building Permit

9. A transportation route plan shall be provided to DPD and SDOT; this plan shall document proposed truck access to and from the site, and shall indicate how pedestrian connections around the site will be maintained during the construction period.
10. Provide a construction worker parking plan with the intent to reduce on-street parking. Construction workers may park on-site once the garage is completed.

During Construction

11. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
  - a) Surveying and layout. b) Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed). c) Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
  - b) In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
    - a) Non-holiday weekdays between 7:00 A.M and 6:00 P.M. b) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan. c) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan. d) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
  - c) Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
12. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.
13. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) 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.

**RECOMMENDED CONDITIONS – REZONE**

*Permanent for the Life of the Project*

14. Execute a Property Use and Development Agreement (PUDA) that shall be in substantial conformance with the approved plans for Master Use Permit number 3014098 as presented to the Hearing Examiner at the public hearing on January 9, 2014.

Signature: \_\_\_\_\_ (signature on file) Date: December 5, 2013  
Bruce P. Rips, AICP, AAIA, Sr. Land Use Planner  
Department of Planning and Development

BPR:drm

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