

**PRELIMINARY DESIGN REVIEW RECOMMENDATIONS
OF THE
NORTHEAST DESIGN REVIEW BOARD**

**Meeting Date: May 4th, 2009
Report Date: May 11th, 2009**

BACKGROUND INFORMATION:

Project Number: 3004423

Address: 6515 Brooklyn Ave NE

Applicant: William Walker of W2 Architects
for John O’Neill of Ferncroft Management LLC

Board members present: Craig Parsons, Chair
Susan Eastman Jensen
Peter Krech
Tricia Reisenauer

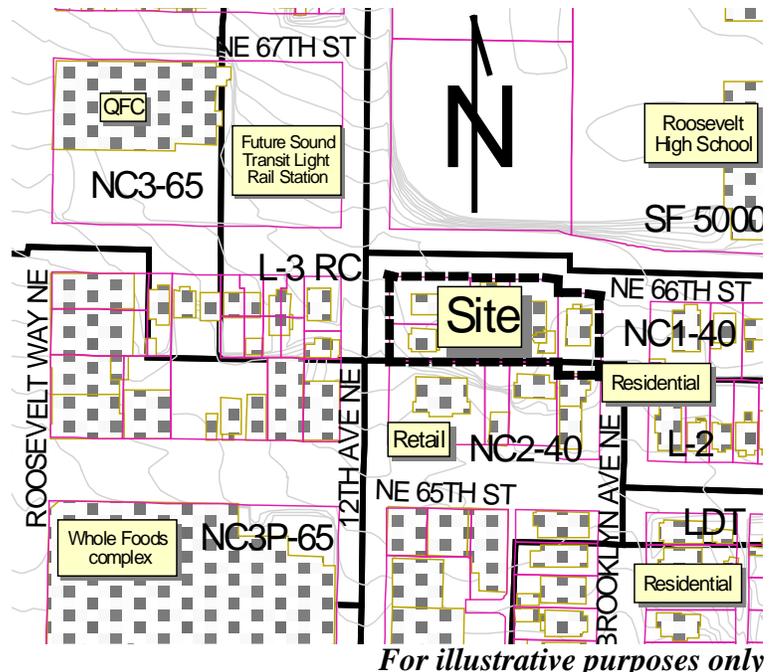
Board members absent Shawna Sherman, excused

DPD staff present: Shelley Bolser AICP, Senior Land Use Planner

SITE & VICINITY

The 27,120 square foot site is located on NE 66th St and bounded by 12th Ave NE to the west and Brooklyn Ave NE to the east. Five existing structures are located on the site, each of which appears to be a single family residence. The residences were built in 1906, 1907, 1908, and 1977.

The site slopes to the south and is zoned Neighborhood Commercial with a 40 foot height limit (NC1-40). NC1-40 zoning continues to the east. More intensive NC zoning is located to the south and southwest (NC2-40 and NC3-65). Lowrise Multifamily



Residential zoning is located to the southeast and west (L-2 and L-3 RC). Single Family Residential zoning is located to the north (SF 5000).

Surrounding uses are a mix of single family residential, multi-family residential, commercial, and institutional (Roosevelt High School). The Roosevelt High School playfield is located directly north of the subject property and consists of open area located above a retaining wall adjacent to the sidewalk.

Future development includes a new mixed use building approximately 65' high on the QFC site to the west, a Sound Transit Light Rail Station on the northwest corner of 12th Ave NE and NE 66th St, and mixed-use residential retail buildings to the west of the subject property.

The area includes sidewalks and nearby transit stops. Bus stops are located on 12th Ave NE and NE 65th St. The subject property includes some mature trees, with one exceptional tree (Western Red cedar straddling the north property line, approximately mid-block). Both sides of NE 66th St and Brooklyn Ave NE include curb and gutter, sidewalks, and planting strips with grass. 12th Ave NE includes curb, gutter, and sidewalk. There are no alleys adjacent to the site.

PROJECT DESCRIPTION

The proposed development includes demolition of the existing buildings and construction of a new four story mixed-use building with approximately 4 live work units and 5,605 square feet of commercial and restaurant area at grade, with 54 residential units above, and structured and underground parking for 72 vehicles and 15 bicycles. The proposed parking area would be accessed from two curb cuts. The commercial structured parking would be accessed from a curb cut at NE 66th St. The underground residential parking would be accessed from a curb cut at Brooklyn Ave NE. The proposed development would involve approximately 9,500 cubic yards of grading for cut and fill during construction.

DESIGN GUIDELINE PRIORITIES:

EARLY DESIGN GUIDANCE MEETING (February 26th, 2007)

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* and *Roosevelt Urban Village Design Guidelines* of highest priority to this project.

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- A-10 Corner Lots

- B-1 Height, Bulk, and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-4 Exterior Finish Materials
- C-5 Structured Parking Entrances
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-5 Visual Impacts of Parking Structures
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- D-7 Personal Safety and Security
- D-9 Commercial Signage
- D-10 Commercial Lighting
- D-11 Commercial Transparency
- D-12 Residential Entries and Transitions
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

The primary guidance from EDG included:

- Development appropriate to nature of the street front:
 - The proposed development should include a strong street wall on 12th Ave NE with traditional storefront elements such as display windows, recessed entries, and overhead weather protection.
 - The proposed development on NE 66th St and Brooklyn Ave NE could include spaces for outdoor eating areas, live/work stoops, residential entries, and landscaped areas to enhance the character.
 - The proposed design of each street frontage should respond to the character of that particular streetscape.
- Respect for adjacent sites: The adjacent property to the south includes a single family house with windows on the north façade.
 - The proposed development should minimize disruption of privacy and maximize light and air where possible.
 - The proposed massing should respond to adjacent zone changes and existing and planned future development.
 - Incorporate references to existing context in the proposed material palette.
- Avoid blank walls where possible to reduce potential for graffiti. Where blank walls are unavoidable, include anti-graffiti methods such as landscaping and surface treatments.
- The existing trees on site and in the right of way are large mature cedars that add quality to the streetscape. If the trees must be removed, provide substantial trees that are more mature at installation.
- The proposed vehicular access at Brooklyn Ave NE is the best location, but the appearance of vehicular entries should be minimized.
- The proposal should include pedestrian amenities at all street fronts, including separation of pedestrian/vehicular entry points and lighting for pedestrian safety.
- Shared residential open space should be provided in addition to balconies.
- Provide information regarding lighting, signage, and transparency at the MUP stage.

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY (OCTOBER 6TH 2008)

On May 24th, 2007, the applicant submitted for a Master Use Permit. On October 6th, 2008, the Northeast Design Review Board convened for a Recommendation meeting. At this meeting site, floor, elevation plans, and landscape plans of the proposed mixed-use building were presented by the applicant.

The Board recommended final design approval with the following conditions:

1. The applicant shall work with DPD to further develop the live-work units so that they read with a two story commercial expression. The brick should go up to the balcony level in areas where it is used on the façades. The windows should be consistent in size and character for all the live-work units. The proposed modifications should be reviewed and approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (A-1, C-4)
2. The applicant should pattern the CMU wall at the south side of the proposed development to provide visual interest for adjacent properties. The proposed modifications should be reviewed and approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (A-5, C-4, D-2, D-5, E-3)
3. There is an existing, very old, Japanese Maple which needs to be preserved even if it means not planting the second specimen incense cedar. The proposed tree preservation plan and modifications to the landscape plan should be reviewed and approved by the Land Use Planner **prior to issuance** of a Master Use Permit. (A-5, E-3)
4. The Kiosk at the northwest corner needs to be further designed so that it is clearly in character with the rest of the building. It should not compete too much with the café canopy. If it is to continue to be a strong vertical element it needs to achieve a delicate balance. It could perhaps be a sculptural element or a low planter element. The object of the element and the plaza as a whole should be to facilitate gathering. The proposed modifications should be reviewed and approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (A-10, D-1, D-12)
5. The residential entry plaza and the northeast corner commercial plaza are both need a surface treatment which distinguishes them slightly from the public sidewalk. The plaza needs to be developed with fixtures or structures which increase its functionality as a gathering space. The proposed modifications should be reviewed and approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (A-10, D-1, D-12)
6. Revise the proposed structure adjacent to the south side of the east garage entry so the maximum amount of structure within the required sight triangle is limited to a post to hold building load from above, as required for structural stability. The proposed modifications should be reviewed and approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (B-1)
7. Prior to publishing of a Master Use Permit, the applicant shall work with DPD to further provide space for trash and recycling pickup at the curb. Incorporate this information in the MUP plans prior to issuance. The proposed modifications should be reviewed and

approved by the Land Use Planner **prior to publishing** of a Master Use Permit decision. (D-6)

8. Provide information regarding live work and commercial space signage. The proposed signage should be reviewed and approved by the Land Use Planner **prior to issuance** of a Master Use Permit. (D-9)

Prior to DPD publishing the Master Use Permit (MUP) decision approving the proposed design, the applicant submitted responses to the recommended design review conditions. DPD noted the responses and recommended design conditions in the MUP decision, as follows:

1. The applicant has modified the application of brick so it reaches at least the bottom of the second story balconies and the live-work windows are more consistent. The modified design satisfies the recommended design condition #1.
2. The applicant has modified the proposed CMU wall at the south side of the proposed development to include pattern in contrasting colors. The modified design satisfies the recommended design condition #2.
3. The kiosk has been removed from the proposal and replaced with seating walls and signage. The proposed changes satisfy recommended design condition #4.
4. The residential entry and northeast commercial plazas now include high quality material seating walls and stamped concrete paving treatment as proposed by the applicant. The proposed changes satisfy recommended design condition #5.
5. The southeast corner adjacent to the east garage entry has been modified to provide the required sight triangle. The proposed changes satisfy recommended design condition #6.
6. The applicant has proposed a trash area adjacent to the north driveway for staging trash cans during pick-up times. The proposed changes satisfy recommended design condition #6.

DPD published the Master Use Permit Decision with conditions on January 8th, 2009.

HEARING EXAMINER REMAND OF DPD DECISION (MARCH 23RD 2009)

On January 22, 2009, the DPD Decision was appealed to the Hearing Examiner. On March 23rd, 2009, the Hearing Examiner issued an Order of Remand which included the statement, "...this matter is REMANDED to the Director of the Department of Planning and Development to assure that the Western Red Cedar is considered as part of the design review process for the proposal, as required by the Code and to reconsider her analysis of, and decision on the proposal in light of the Design Review Board's recommendation."

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY (MAY 4TH 2009)

On April 27, 2009, the applicant submitted design recommendation packets showing the project as proposed, and the project with a potential 49' radius tree protection area for the Western Red Cedar, as well as supporting documentation.

On May 4th, 2009, the Northeast Design Review Board convened for a Recommendation meeting. Graphics and display boards presented for the Board members' consideration reflected

material shown in the April 27th, 2009 design recommendation packet. The Board recommended that the applicant address the design issues discussed below, and return for a third Recommendation meeting.

DESIGN PRESENTATION

William Walker of W2 Architects gave the applicant presentation. Mr. Walker explained that the ‘Western Red Cedar’ in question is located straddling the north property line of the subject property. He also described the supporting arborist reports reviewed by DPD as part of the Master Use Permit application.

Mr. Walker discussed the 49’ radius tree protection area that was recommended in the arborist reports and explained why a project with this protection circle would be financially infeasible at this site:

- A 10’ setback is required at the south property line to allow for windows and openings.
- The open space could be reduced through departures to allow open space only adjacent to the tree, therefore maximizing building area. However, the open space adjacent to the tree would not be usable open space, due to the branches’ clearance above the ground and spread from the tree. Reduction of open space elsewhere on site would mean removal of the public plaza at the west façade and removal of the resident’s open space at the south façade.
- The number of units possible is constrained by the maximum number of parking spaces possible with the tree protection area. The maximum number of parking spaces with the 49’ tree protection area would be 38 parking stalls. With the 10% reduction in parking permitted to retain the tree, this would allow up to 38 residential units.
- The building would have to be set back 49’ at the base and 40’ at the upper floors to allow for adequate light and air to the upper tree branches and usable balcony area for residents.
- The applicant discussed irrigation for the tree with an irrigation company. The irrigation company noted that deep root irrigation would be problematic within a 30’ radius of the tree (due to potential rot), and would be better suited to an area 49-60’ from the tree, within the feeder roots.
- Because the tree straddles the north property line, the sidewalk north of the property in the public right of way would have to ‘jog’ around the tree, placing pedestrians adjacent to the curb area at NE 66th St, which is unsafe.
- Requiring a tree retention area would interrupt the proposed street wall at NE 66th. The Design Review Board had previously recommended a continuous street wall at that frontage.
- The proposed curb cut at NE 66th St is 60’ east of the intersection of NE 66th St and 12th Ave NE. Mr. Walker stated this is the minimum possible distance for queuing. It would therefore not be possible to move the curb cut further west to retain the tree.
- At EDG, the Board guided the applicant that if tree removal were proposed, the replacement trees should be large trees at installation. The applicant has proposed three cedar trees at the east façade that would be 15’ high at planting, in addition to several other street trees.
- The proposed landscape plan would triple the tree canopy that currently exists on site.

BOARD QUESTIONS AND COMMENTS

The Board had the following questions and clarifying comments, with responses from the applicant:

- Is it possible to place the overhead electrical wires at NE 66th St underground, therefore preventing future poor pruning of the red cedar?
 - The applicant doesn't have any plans to underground the lines, but they have proposed to Seattle City Light to include a cantilevered pole structure to place the lines further from the tree. Removing the lines would only affect the tree aesthetics, not ensure its survival.
- Did the arborists give any recommendations for limbing up the tree for security and access?
 - No, and retaining the tree would still result in disruption of the building design, making the project appear to be two separate buildings.
- Where is the sewer line the applicant described?
 - The sewer line is in the middle of the tree root zone. Removing the line would harm the tree.
- The applicant gave a definition of an exceptional tree that is different from that shown in the Seattle Municipal Code. Where was the applicant's definition taken from?
 - The applicant disagrees that the tree is exceptional, but they are not arguing with the definition of exceptional or DPD's determination of the tree as exceptional.
- The applicant noted the sidewalk at NE 66th would have to 'bump out' to go around the tree protection area. Where is the sidewalk currently, and how far would it bump out?
 - It would have to bump out approximately 19 feet, and it is currently approximately 12'2" from the curb at this time.
- Where would the sidewalk be located if it were bumped out?
 - It would be approximately 1' to 2' from the NE 66th St curb edge.

PUBLIC COMMENT

Twenty members of the public signed in at the Design Recommendation meeting. The following comments were offered (summarized):

- If this project can't be constructed due to financial infeasibility from saving the red cedar, that also prevents other nearby property owners from redeveloping. Existing construction projects nearby can't be completed because they can't obtain financing. Neighborhood businesses will suffer if this project can't be developed.
- Mature trees offer multiple benefits and are assets to development. Benefits include lower vacancy rates for the project, carbon sequestration, and reduction of greenhouse gasses and storm water runoff. These are also Seattle Mayor priorities.
- Support for the proposed development, with sufficient replacement trees
- Only two conditions can permit removal of this tree under Seattle's Municipal Code, and economic hardship is not a condition of removal. The tree can survive long term with the development and a 30' protection area, and the resulting development density would be consistent with the neighborhood plan.

- The outer edges of the branches are 22' to 24' from the trunk of the tree. The sewer line is to the east of the tree protection area, and removal would not affect the tree health. There is a grove of trees over the sewer line, and the roots in the sewer may be from those trees and not the red cedar. The last time the sewer was cleared was 2001. The concrete in NE 66th St is beneficial to the tree because it allows water to the roots via joints in the concrete. The applicant has said a 49' tree protection area is required, but the existing houses are within 30' of the tree. The existing tree canopy of all trees at this site is 9,000 square feet and the site size is 27,000 square feet, so the applicant can't be proposing triple the existing tree canopy on site.
- Trees benefit the community and visually off-set the bulk and scale of new development, so the tree should be retained.
- Local businesses can survive and trees can be retained – it's not either/or.
- Support for retaining all mature trees near the property line at this site, including retention of the Japanese maple noted in the previous recommended conditions. The red cedar is a priceless amenity.
- (handed out pictures of the red cedar as viewed from properties nearby). The tree has been badly pruned, but would fill in if pruning practices changed, and the existing pruning does not affect the tree's health. It is a Western Washington native tree and can survive at this site. Expressed support for redevelopment of the site, with retention of the red cedar.
- It's impractical to retain the tree and redevelopment of these properties is more important. The developer has made concessions to the neighborhood in the form of relocating the proposed driveway and providing pedestrian open space at the northwest corner.
- The site should be redeveloped to encourage density near the future light rail station at 12th Ave NE & NE 66th St, northwest of this site. Denser development in the city allows retention of more trees and vegetation in outlying areas. The small proposed units would provide working-class housing in the City.
- The arborist reports reviewed by DPD stated that the tree is doing well in an existing constrained space. Approximately 40% of the tree is in the public right of way. The Board can't recommend removal of the tree without development standard departures and parking reductions. Redevelopment of the site should be done with retention of the red cedar. A smaller tree protection zone is possible. The biomass of the tree is very large, and the proposed replacement trees wouldn't have the same biomass even after 25 years. It will take a long time before the proposed replacement trees could provide the same ecological benefit as this one existing tree.
- The proposed development isn't financially viable with retention of the tree, and if the tree is required to be retained then the property can't be developed by the applicant or anyone else. Redevelopment of the site will improve the neighborhood.
- If the proposal can't be developed while retaining the tree, then perhaps the proposed development is not financially viable on its own.
- If the tree can be removed due to economic reasons, then what tree can ever be retained in the City? The proposed development doesn't have enough density to justify removal of this tree. The site would be better used with a much taller permitted building height and retention of the tree. DPD made a mistake by not identifying the exceptional tree early in the design review process, so it's also an unfair situation for the applicant.

- The Design Review Board should step in and require the applicant to modify the proposal. The Board should also grant departures needed to retain the red cedar.
- Support for redevelopment of the site
- The 30' tree protection zone would be within the required landscaping for the site and so would not be an additional burden to the applicant. Limbing up the tree would be possible and help retain the tree (similar to heritage tree at 102 NE 63rd St)

The applicant offered a follow up clarification that the survey shows that 10% of the red cedar trunk is on public property.

BOARD DELIBERATION

The Design Review Board and DPD noted that this Design Recommendation meeting was held in response to the City of Seattle Hearing Examiner's remand to ensure that the red cedar was considered within the design review process. The Recommendation meeting therefore focused on the proposed design as related to the exceptional Western red cedar tree.

The Board deliberated about the materials presented by the applicant. The Board noted that it would have been preferable if the exceptional tree were identified at the Early Design Guidance meeting, and therefore the Board could have guided the applicant to provide massing in response to the tree protection area.

The arborist reports reviewed by DPD appear to indicate that a full 49' protection area is not the only option for tree retention and development at this site. The applicant has only provided drawings and materials showing the proposal with tree removal, and a proposal showing tree retention with a 49' protection area.

If the tree were retained, possible challenges include design of the north-facing open space occupied primarily by an evergreen tree, and interruption of the proposed street wall at NE 66th St. The Board noted that the tree could provide an amenity for residential and live-work units at NE 66th, as well as the public realm.

The Board recommended that more information is needed to determine if the design of the proposed development would better meet the adopted design guidelines with either retention or removal of the red cedar. The Board recommended that the applicant therefore return for a third recommendation meeting with alternative designs, including a 30' tree protection area. The Board noted that all departures and possible designs will be considered. In redesigning for the site, the applicant is not constrained only to the design, parking access, or departures discussed to date.

RECOMMENDATION

The recommendation summarized below is based on the information shown and discussed at the May 4th, 2009 meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended that the applicant examine alternative design

options for the site, and return to the Design Review Board for a third recommendation meeting. At the third recommendation meeting, the applicant should demonstrate alternative proposed designs including tree removal and tree retention, with a 30' tree protection area as one of the alternatives.