

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

**Meeting Date: June 15th, 2009
Report Date: June 29th, 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

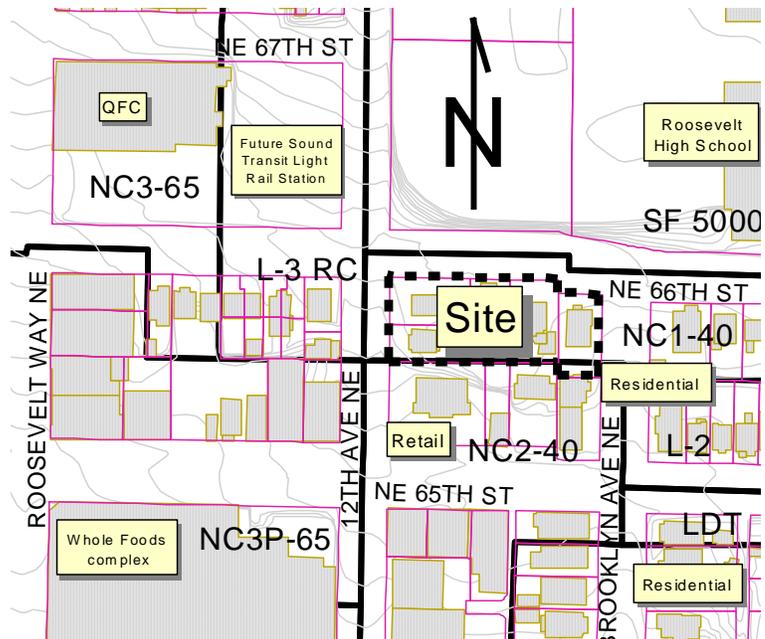
Board members absent: Shawna Sherman, excused

DPD staff present: Shelley Bolser AICP, Senior Land Use Planner
Vince Lyons, Design Review Program Manager

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-



For illustrative purposes only

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.

The option proposed with the original design recommendation meeting on October 6th, 2008 included 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 original design recommendation meeting proposed development would involve approximately 9,500 cubic yards of grading for cut and fill during construction.

At the June 15th, 2009 design recommendation meeting, the applicant described an alternative design based on a 30' radius tree protection zone around the exceptional Western Red Cedar tree at the north property line of the site. This design includes 4 live work units and 4,743 square feet of commercial and restaurant area at grade, with 51 residential units above, and structured and underground parking for 55 vehicles and 12 bicycles.

PROJECT REVIEW HISTORY

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 MUP 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. 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.

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY (JUNE 15TH 2009)

On June 8th, 2009, the applicant submitted design recommendation packets showing the project as proposed, and the project with a potential 30' radius tree protection area for the Western Red Cedar with supporting documentation.

On June 15th, 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 June 8th, 2009 design recommendation packet, as well as building elevations and perspectives including the Western Red Cedar at the north property line. The Board recommended that the applicant address the design issues discussed below, and return for a fourth Recommendation meeting.

DESIGN PRESENTATION

William Walker of W2 Architects and Jeremie Lipton of Cairncross & Hemplemann gave the applicant presentation. Mr. Walker explained that the original proposed design was intended to achieve maximum density adjacent to a future light rail station, and that off-street parking is needed because people will drive to the area to take advantage of the light rail service. The proposal includes at least one car per residential unit, due to the lack of nearby on-street parking.

Mr. Walker explained that a design incorporating the 30' radius tree protection zone (TPZ) for the Western Red Cedar at the north property line would result in a loss in parking spaces and residential units, as shown in the design recommendation packet. The applicant has chosen to keep the building setback from the south property line to allow light and air for windows of residential units on that façade. The design shown with the 30' TPZ incorporates placement of building massing as far to the south and east as Mr. Walker felt was feasible for light and air.

Mr. Walker explained that the design based on a 30' TPZ would not be as desirable from a design perspective as the original design, and would not meet the following design guidelines:

- Pedestrian environment
- Human activity
- Streetscape compatibility
- Human activity
- Corner lots
- Height, bulk and scale
- Architectural context
- Pedestrian open spaces and entrances

The applicant explained that retaining the tree would result in a loss of visibility and commercial viability for live-work units at the north façade and reduced setbacks from the property to the south. The 30' TPZ would provide a small protection area for the tree and couldn't double as usable open space, in order to protect the tree's health. The sidewalk at the north property line would have to be reconfigured to jog around the tree roots. The configuration of live-work units at the northeast corner would result in a loss of scale transition at that corner. The northwest and east courtyards would be reduced in size and quality (the northwest corner would include upper story building overhangs). The residential units facing the tree would lack light and air and be difficult to lease.

The original recommendation meeting proposal included two large incense cedar trees at the northeast and southeast corners of the property. Prior to the June 15th, 2009 design recommendation meeting, the applicant had offered to the appellants to plant a large Western Red Cedar tree at the southwest corner of the property to the north, but the appellants didn't feel that met their concerns so the applicant did not include it in the proposal shown at the June 15th, 2009 recommendation meeting. Mr. Walker stated there is approximately 2,000 square feet of tree canopy on site and the landscape plan proposes more tree canopy than currently exists.

Mr. Walker also mentioned that at the Roosevelt Neighborhood Association meeting 98% of the people present said they wanted the project built, as opposed to retaining the tree and not building the project.

BOARD QUESTIONS AND COMMENTS

The Board had the following questions and clarifying comments, with responses from the applicant (unless otherwise noted):

- How much parking is proposed?
 - 54 stalls were approved with the original design recommendation. 46 stalls would be possible with a 30' TPZ.
- Was there any public right of way dedication required for the northeast corner of the site?
 - No.
- Is the applicant proposing replacement trees if the Western Red Cedar is removed?
 - Yes.
- Are replacement trees required per the City's code?
 - DPD response: yes.
- What is the tree protection zone required by DPD?

- DPD response: 49', per the Gilles third party arborist reviewer report.
- Does the proposal include undergrounding any utilities?
 - No.
- Does the 30' TPZ design include additional units at the upper stories at the northwest corner, which would overhang the open space at grade?
 - Yes.
- Could DPD require conditions on a Master Use Permit (MUP) approval, associated with a 30' TPZ as noted in the Gilles third party report?
 - DPD response: Yes, DPD could add conditions for tree protection to a MUP approval
- Is this project vested, or does the newest DPD tree code (SMC 25.11) apply?
 - DPD response: this project has vested to code in effect at the time of EDG application.

PUBLIC COMMENT

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

- The applicant has stated that retaining the Western Red Cedar will make it difficult to lease the units. The office development to the south has been remodeled around saving trees on site and the owner of that project has stated that the trees are an asset to leasing the spaces
- It would be possible to 'limb up' the Western Red Cedar, similar to other nearby Cedars (pictures shown). Western Red Cedars are tough, and can survive with small protection areas and abuse such as parking on the roots.
- The proposed replacement trees will take many decades to approach the size of the canopy of the existing tree
- Graphics shown demonstrating how parking spaces, residential uses, and live-work units could be configured to gain more usable area while still retaining the Western Red Cedar
- The proposed development would provide better usable open space at the north side, rather than the northwest corner adjacent to a busy street
- Live-work would be better suited to the busy northwest corner, with a restaurant use at the north side that could incorporate the Western Red Cedar in outdoor dining area (using waffle pavers and limbing up the tree)
- The applicant's statements regarding existing and proposed tree canopy are incorrect (sheet showing tree canopy calculations handed to Board), and some of the applicant's proposed replacement tree canopy would have to grow onto the property to the south, therefore they are not even providing replacement tree canopy on the subject property
- The 30' TPZ is more than adequate to save this tree (showed examples of nearby Western Red Cedars with smaller tree protection areas)
- The Board should deliberate on this design based on the spirit and intent of the law
- The applicant has spent a lot of money in the design review process to date
- The City should respond to recent legislation and policy from the City and the State regarding tree protection. The City's code is aimed at protecting only the largest 1% of

trees in the City, and since the code was introduced, many exceptional trees have been lost in cases such as this one.

- The tree is an asset for environmental, financial, and social reasons
- There are many trees on this property that should be saved, in addition to the Western Red Cedar.
- It would be better to allow the developer to build another story in order to save this tree.
- The Roosevelt Neighborhood Design Guidelines don't recommend designing a project around a single feature such as this tree. The Board needs to weigh all the Design Guidelines vs. protecting this tree.
- The Roosevelt community wants this project built and has given that feedback to the Roosevelt Neighborhood Association
- The neighborhood needs affordable housing for teachers at Roosevelt High School, and so the project should be built.
- If the tree is retained, there could be liability from people partying in the space below. If the tree is retained, the space should be fenced off.
- The City Code for preserving exceptional trees trumps the Roosevelt Neighborhood Design Guidelines, and removal of an exceptional tree is only allowed under specific conditions listed in SMC 25.11
- The tree protection area could be reduced to 24', which is the tree drip line area
- The applicant should provide tree replacement in the same size canopy as the existing tree.
- The microclimate of this tree includes the heat sink of Roosevelt playfield to the north. The tree is surviving now from water in pipes below. After the pipes are removed, there won't be enough water through irrigation for the tree to survive.
- The designs shown by the public tonight are consistent with the Roosevelt Neighborhood Design Guidelines.
- The community took a 'straw vote' in the Roosevelt Neighborhood Association meeting and was assured the vote didn't mean anything. The Board shouldn't take previous statements of Roosevelt Neighborhood Association support as representative of any poll.
- The straw vote presented a false 'either/or' for the tree or the project. It's possible to do both.
- The applicant has not presented any design that incorporates the tree and satisfies the Neighborhood Design Guidelines
- This site should be developed as densely as possible

BOARD DELIBERATION

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 focused on the applicant responses to the Board Recommendation from May 4th, 2009, where the Board recommended that the applicant return for another recommendation meeting to *"demonstrate alternative proposed designs including tree removal and tree retention, with a 30' tree protection area as one of the alternatives."*

The Board deliberated about the materials presented by the applicant, and the Board's role in respect to the requirements in SMC 25.11 for exceptional trees. The Board noted that none of the Board members are arborists, and they can't make a recommendation about the appropriate tree protection zone or specific tree protection conditions to retain the Western Red Cedar at the north property line.

The Board noted the following concerns with the process associated with review of this proposal and the exceptional tree as related to the proposed design:

- Exceptional trees should be identified prior to an Early Design Guidance meeting, so the proposal can be designed with that constraint from the start, rather than trying to work additional constraints into a developed building design
- Tree protection codes (SMC 25.11) should be amended to allow DPD or the Design Review Board to grant bonuses such as additional height or floor area ratio to protect exceptional trees
- It's unclear to the Board if they are supposed to determine whether the development and tree protection zones are adequate per SMC 25.11, and whether 'retention' of the tree refers to short-term or long-term protection of the tree

The Board deliberated about the design based on the 30' TPZ. The Board felt that the design including proposed departures (residential open space per SMC 23.47.024, and sight triangle per SMC 23.54.030), and the proposed parking reduction (SMC 25.11.080) would make both development of the site and retention of the tree possible.

The Board also noted that the design based on a 30' TPZ would include constraints, and it may not be possible to overcome all of those constraints through further design efforts. In some ways, the overall design that was originally recommended for design approval (without the Western Red Cedar) may offer a design that better meets the intent of the design guidelines. For instance, the 'replacement trees' that were proposed would have a better chance at long-term survival than the Western Red Cedar because they would have more access to light and air than the Western Red Cedar.

However, the Board noted that the design drawings shown at the June 15th, 2009 meeting were insufficient to determine whether the design based on a 30' TPZ would satisfy the required design guidelines.

Three of the four Design Review Board members present felt that removal of the tree would be inconsistent with SMC 25.11.080.A.2, because the proposed departures and parking reductions to save the exceptional tree would result in development of the site that was comparable to development shown without the tree.

Four of the four Design Review Board members present felt that the project design resulting from the 30' TPZ less adequately meets the Roosevelt Neighborhood Design Guidelines compared to the first design without the tree. The Board expanded on this statement with the following points:

- The public space at the northwest corner presented with the first design would be of value to the project because of the proximity to the future light rail station, and the quality and

quantity of that and other open space on site may be compromised with a project based on the 30' TPZ

- The first design was well developed architecturally and aesthetically, and the Board stated that more information is needed from the applicant to determine if the design based on a 30' TPZ meets the same level of quality

RECOMMENDATION

The recommendation summarized below is based on the information shown and discussed at the June 15th, 2009 meeting. After considering the site and context, hearing public comment, considering the previous design recommendation, and reviewing the plans and renderings, four of the four present Design Review Board members recommended the following:

If DPD agrees that removal of the exceptional tree is inconsistent with SMC 25.11.080.A.2, then the Design Review Board recommends that applicant return for a fourth Design Recommendation meeting. At that meeting, the applicant should present a design that responds to the following list of design constraints and issues that may result from a 30' Tree Protection Zone and retention of the Western Red Cedar:

- Reduced open space quality and quantity at the northwest corner and east property line
- The live work units functionality as commercial spaces (reduced visibility and odd interior space configuration)
- Reduced quality and quantity of 2nd level residential open space
- Reduced light and air to residential units adjacent to the Red Cedar
- Architectural consistency of the building in relation to irregular residential unit dimensions resulting from the 30' TPZ

The applicant should also provide the following information:

- Specific conditions from an arborist to retain the tree with a 30' TPZ
- Graphics and design response demonstrating the proposed design for the south façade of the building, including site plan and rough elevations of adjacent structures
- Landscape plans including hard scape, and 3-dimensional drawings of the base of the building including the TPZ
- A clear list of any proposed departures, including code requirement and proposed rationale for the departure request

June 29th, 2009

Re: Hearing examiner file MUP-09-001(D.R.W), DPD MUP file 3004423

Dear Northeast Design Review Board Members:

Enclosed is the report from the June 15, 2009 design recommendation meeting held by the Northeast Design Review Board, for the development proposed at 6515 Brooklyn Avenue NE (Project Number 3004423). The Department of Planning and Development (DPD) appreciates the time and effort you volunteer on the Northeast Design Review Board. This letter is enclosed to respond to the concerns the Board expressed at the June 15th, 2009 Northeast Design Review Board meeting.

On October 6, 2008, the Board recommended final design approval for the proposed development. On January 8, 2009, DPD approved the Master Use Permit (MUP) for the proposed development including removal of an exceptional tree. On January 22, 2009, DPD's approval of the MUP was appealed to the Hearing Examiner. On March 23, 2009, the Hearing Examiner remanded the matter of the "exceptional tree" to DPD to ensure that the tree was considered as part of the design review process for the project.

On May 4, 2009, DPD convened the Northeast Design Review Board for consideration of the exceptional tree. The applicant presented a revised design for the proposed development that included a 49-foot tree protection area. The Board members and the public were provided an opportunity to review and comment on the revised design. By a 3 to 1 vote, the Board recommended to convene an additional design recommendation meeting. The Board's recommendation was based on its reading of the arborist reports which indicated that a smaller tree protection area may be possible. The Board also stated that they needed additional information to determine if the design guidelines were met with either retention or removal of the tree, including an alternative showing a 30-foot tree protection area.

DPD accepted the Board's May 4, 2009 recommendation and convened the Northeast Design Review Board on June 15, 2009. The applicant presented a revised design that included a 30-foot tree protection area. The Board members and the public were provided an opportunity to review and comment on the revised design. At the conclusion of the June 15, 2009 design recommendation meeting, the Board members recommended that the applicant return for a fourth design recommendation meeting, only if DPD agreed with the Board that removal of the tree is inconsistent with SMC 25.11.080 A.2 because development could be avoided within a 30-foot tree protection area.

DPD has carefully considered the Board's recommendation and is unable to accept the recommendation for the following reasons.

- As noted by DPD staff at the design recommendation meeting held on June 15, 2009, and based on the third-party arborist report prepared by Gilles Consulting, DPD has previously determined and has consistently maintained that a 49-foot tree protection area is required to ensure the long-term health of the tree.
- At the June 15th, 2009 design recommendation meeting, the Board noted that the design including removal of the tree may better meet the adopted design guidelines than the design including 30-foot tree protection area. The 49-foot tree protection area could also impede the design's compliance with adopted design guidelines.
- Departures from development standards available under SMC 23.41.012 and/or reductions in parking allowed under SMC 23.54.15 would not provide protection sufficient for the long term viability of the tree by avoiding development within a 30-foot tree protection area; and
- Accommodation of either a 49-foot or a 30-foot tree protection area would require reductions in the density of the proposal development which is contrary to the goal of transit – oriented development on a site adjacent to a future Sound Transit Station.

DPD also notes that two additional large Incense Cedar trees that would be 15' tall at time of planting are proposed at the northeast and southeast corners of the site as partial replacement for the existing exceptional Western Red Cedar tree. These large Cedar trees are in addition to the 33 other trees to be planted on-site and as "street trees" that are required as a condition to approval of this project.

In conclusion, in light of the Northeast Design Review Board's June 15, 2009 design review recommendation, DPD has reconsidered our January 8, 2009, decision to approve the MUP and we reaffirm approval of the MUP including removal of the exceptional tree pursuant of SMC 25.11.080 A.2.

Sincerely

Cliff Portman, Principal Planner

CC:
Design Review Board
Paul Wiesner
Recommendation Report mailing list for MUP 3004423