City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3004423

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

Address of Proposal: 6515 Brooklyn Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to construct a four story mixed-use building with 54 apartment units and four live-work units. 5,605 sq. ft. of retail will be located at grade. Parking for 72 vehicles and 15 bicycles will be located at and below grade. Five existing single family structures to be demolished. Project includes approximately 9,500 cubic yards of grading.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

Development Standard Departure to reduce the required residential open space from 20% of the gross residential floor area to 16.7% of the gross residential floor area (SMC 23.47.024).

Development Standard Departure to reduce the required sight triangle from the back of the sidewalk at the east curb cut from 10' to zero feet (SMC 23.54.030).

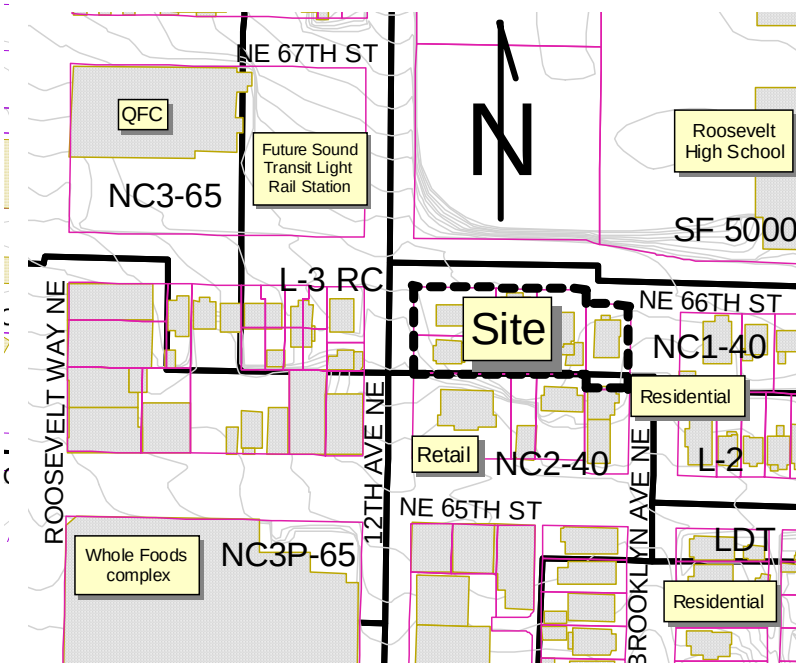
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

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

[X] DNS with conditions

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

SITE & VICINITY



For illustrative purposes only

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 large cedar and deciduous trees with a few mature trees. 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 Final Recommendation meeting. At this meeting site, floor, elevation plans, and landscape plans of the proposed mixed-use building were presented by the applicant.

BOARD QUESTIONS AND COMMENTS

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

- At the alley and north and south elevations, it appears there is a lot of blank wall area in the bottom section of the building. Why did the applicant not choose to add green screen to these areas?
    - Green Screens could be added to those areas.
- There is a lot of architectural concrete shown in the base described in the last question. Will this concrete be finished or stained in some way?
    - The intent is natural concrete with a sealant.
- The live work units appear to be quite small to accommodate both live and work space. Does the applicant/owner believe this is actually a feasible live work space?
    - The units are flexible – occupants could remove the loft area for higher ceilings, restrict their living space to the loft area and have office below, or remove the kitchen area. The units are small but feasible as live-work units in the long term. The flexible space is needed because live-work activities take longer to establish and people can use them more as residential areas at first.
- Is the lower building height due only to construction constraints?
    - Yes; at 85’ height steel and concrete construction is required, instead of the proposed wood frame construction.

PUBLIC COMMENT

Thirteen members of the public attended the Recommendation meeting. The following comments were offered:

- Several people expressed a desire to save the large cedar tree along the north property line.
- A representative of the Roosevelt Commercial Organization quoted from a letter encouraging development of the site without any limitations saving the cedar tree might impose and praising the current design as compatible with the commercial context in the area.
- A Japanese Maple of mature age is located at the southeast extent of the site and it's preservation urged even though doing so would conflict with one of two new cedars shown on the landscape plan.
- Opportunities for graffiti should be minimized.
- The location of a Sound Transit light rail station across the intersection to the northwest would greatly increase the number of buses stopping along 12th Ave. N.E.
- The building is a background building in need of more architectural interest.
- The live work units need to be designed to read as such with more of a commercial character in a two story expression.
- Sidewalks should be permeable.

DESIGN GUIDELINE PRIORITIES

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the four Design Review Board members came to the following conclusions on how the proposed design met the identified design objectives from 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. 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.

Early Design Guidance: *Comments reflect those* [described above in primary guidance from EDG] *regarding the proposed design of the building and how the structure design should respond to each particular street frontage.*

Final design recommendation: The proposed brick reflects Roosevelt High School to the north, and the proposed plaza at the west façade responds to the future light rail station across the street.

The live-work areas need to be developed further so that they read with a two story commercial expression; give them verticality. 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.

Recommended condition: 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.

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

Roosevelt Guideline (augmenting A-2). Commercial and Mixed-Use Developments: Continuity of the Street Wall Along Sidewalks

Early Design Guidance: *Comments reflect those found in Hot Button #1 above regarding the proposed retail uses on 12th Ave NE. The proposed storefronts should incorporate traditional items such as recessed entries, display windows, blade signs, and overhead weather protection.*

Final design recommendation: The Board felt the proposed development addressed these items well. The proposal satisfies this guideline.

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

Early Design Guidance: *The Board noted that the proposed residential entry is located inside the vehicular driveway area from Brooklyn Ave NE. The residential entry should be clearly identifiable and visible from the street and should be safely separated from the vehicular entrance. The northeast corner of the proposed building is naturally eroded due to the parcel configurations. This area provides an ideal opportunity for a highly visible residential entry facing the street, with the potential for an entry plaza with landscaping hardscaping.*

Final design recommendation: The proposed residential entry at Brooklyn Ave NE was separated from the vehicular entrance in the design presented at the design recommendation meeting. The proposal satisfies this guideline.

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

Roosevelt Guideline (augmenting A-4). Roosevelt is looking for opportunities to encourage pedestrian activity along sidewalks within the Commercial Core. This is especially important because sidewalks along Roosevelt and 65th are considered too narrow. If not required with new development, applicants are encouraged to increase the ground level setback in order to accommodate pedestrian traffic and amenity features.

Early Design Guidance: *Comments reflect those found in Hot Button #1 and #5 above regarding the pedestrian environment on various street fronts. The applicant should continue to propose additional setbacks for wider sidewalks at the 12th Ave NE façade, which addresses the Roosevelt guideline.*

Final design recommendation: The proposed development includes setbacks and a plaza area at the 12th Ave NE façade. The proposal satisfies this guideline.

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.

Early Design Guidance: *Comments reflect those found in Hot Button #2 above regarding the adjacent property to the south. The Board directed the applicant to remove the unnecessary portion of the proposed structure adjacent to the jog in the south property line and install landscaping in that area. Landscaping should discourage illegitimate use of the area such as graffiti or safety hazards such as hidden corners.*

Final design recommendation: The proposed development includes landscaping adjacent to the southeast corner of the structure, but the Board noted that additional modifications are needed to satisfy this guideline.

Recommended condition: Pattern the CMU wall at the south side of the proposed development to provide visual interest for adjacent properties.

Recommended condition: There is an existing, very old, Japanese Maple which needs to be preserved even if it means not planting the second specimen incense cedar.

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

Roosevelt Guideline (augmenting A-7). The Roosevelt Neighborhood values places for residents to gather. For mixed use developments, provision of ground-related common open space areas in exchange for departures especially to the maximum residential coverage limit is encouraged, in addition to other allowable departures.

Early Design Guidance: *The applicant noted that residential open space can all be provided in the form of individual private balconies. The Board recommends that the applicant work to incorporate shared residential open space, such as a rooftop deck or a plaza at grade.*

Final design recommendation: The Board recommended approval of the residential open space departure based upon the rationale offered that the public areas offered at grade are important areas for the function of the building, serving both the residents of the building and of the surrounding area, and should be seen as meeting part of the residential open space requirement of the building. The proposal satisfies this guideline.

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.

Early Design Guidance: *The proposed driveway entrances at NE 66th St and Brooklyn Ave NE should be physically and visually minimized as much as possible.*

Final design recommendation: The Board felt the proposal satisfied this guideline.

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.

Early Design Guidance: *The Board noted that although the proposal includes two street corners, the corners have very different characters. 12th Ave NE & NE 66th St corner is retail and transit oriented. NE 66th St and Brooklyn Ave NE is a quieter side street and a naturally eroded corner due to platting patterns. Each corner should be designed in context with the applicable corner, which doesn't necessarily include symmetrical corner treatments.*

The corner at NE 66th & 12th Ave NE should include a street wall pulled back from the north property line to allow for outdoor seating areas and/or live/work common areas. The corner at NE 66th St & Brooklyn Ave NE would be ideal for a residential entry plaza and landscaping.

Final design recommendation: The Board discussed the proposed plaza at the corner of 12th Ave NE and NE 66th St, and the residential plaza near the corner of Brooklyn Ave NE and NE 66th St, and concluded that the plazas needed additional modifications to meet this guideline.

Recommended condition: 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.

Recommended condition: 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.

B. Height, Bulk and Scale
(see Roosevelt Urban Village design guidelines for full text)

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.

<u>Roosevelt Guideline (augmenting B-1)</u>. Commercial/Residential Zone Edges Map: Map 3 shows where zone edges occur in the Roosevelt neighborhood. Careful siting, building design and building massing at the upper levels should be used to achieve a sensitive transition between multifamily and commercial zones as well as mitigating height, bulk and scale impacts.

<u>Early Design Guidance</u>: *The proposed project is located on a zone edge on the north and west property lines, per Map #3 in the Roosevelt design guidelines. The applicant should work to address this guideline, with particular attention to the single family structure to the south as described in Hot Button #2.*

<u>Final design recommendation</u>: The applicant proposed structure in the required sight triangle at the southeast corner of the development, as described in the departures below. The Board did not conclude there was a sufficient reason to recommend granting a departure from the requirement of a driveway sight triangle and instead recommended a departure only to allow a post to hold building load from above to be in the triangle based upon a rationale that the approach meets the safety objective of a driveway sight triangle equally well as the code-required method.

Recommended guideline: 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.

C.	**Architectural Elements and Materials (see Roosevelt Urban Village design guidelines for full text)**

C-1 **<u>Architectural Context</u>. 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.**

<u>Roosevelt Guideline (augmenting C-1)</u>. Streetwalls adjacent to sidewalks within the Roosevelt Commercial Core should be designed to incorporate traditional commercial façade components.

<u>Early Design Guidance</u>: *The proposed building design should respond to the context of Roosevelt High School, the playfield across the street, the future light rail transit station across the street to the west, and the commercial nature of 12th Ave NE, as appropriate at each applicable façade.*

<u>Final design recommendation</u>: The Board felt that the application of buff brick and the proposed plaza at the corner of NE 66th St and 12th Ave NE responded to the context of nearby development. The proposal satisfies this guideline.

C-2 **<u>Architectural Concept and Consistency</u>. 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.**

<u>Roosevelt Guideline (augmenting C-2</u>). The architectural features below are especially important for new commercial and mixed use developments in Roosevelt's commercial core (see Map 1):

- **Multiple building entries**
- **Courtyards**
- **Building base**
- **Attractively designed alley-facing building façades including architectural treatments, fenestration, murals, etc.**

For buildings that are both set back from and taller than adjacent buildings, the street level portion should be differentiated from the upper floors through architectural design or building materials, textures, and/ or colors.

C-4 **<u>Exterior Finish Materials</u>. 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.**

<u>Roosevelt Guideline (augmenting C-4)</u>. Developments should accommodate places for signage that are in keeping with the building's architecture and overall sign program.

<u>Early Design Guidance</u>: *In addition to the comments listed in Hot Button #1 and #3, the proposed design should respond to nearby architectural and material contexts. The context of nearby Roosevelt High School provides an example of a building that reads as one structure. The proposed development could incorporate this type of massing and use of materials, and succeed in reflecting nearby context. In order to successfully achieve this context, the residential decks should be made to appear more substantial in form. The proposed decks should provide usable outdoor spaces that will present 'eyes on the street' to the Roosevelt playfield. The proposed façade should also reflect the use of nearby materials such as the buff colored brick of the High School.*

<u>Final design recommendation</u>: The Board discussed potential modifications to the live work unit materials and the CMU application at the south façade.

Recommended conditions reflect those found in response to guidelines A-1 and A-5.

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

<u>Early Design Guidance</u>: *Comments reflect those found in A-8.*

<u>Final design recommendation</u>: The Board felt the proposal satisfied this guideline.

D.	**Pedestrian Environment (see Roosevelt Urban Village design guidelines for full text)**

D-1 **<u>Pedestrian Open Spaces and Entrances</u>. 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.**

<u>Roosevelt Guideline (augmenting D-1)</u>. Pedestrian amenities are encouraged where appropriate along sidewalks within the Core Commercial Area. Providing for sufficient pedestrian movement is necessary in order to provide pedestrian amenities.

<u>Early Design Guidance</u>: *Comments reflect those found in Hot Buttons #1 and #5, and guidance for A-2. The proposed development is located in the Core Commercial Area.*

<u>Final design recommendation</u>: The proposed development responds well to the pedestrian environment. The Board noted that additional surface treatment and pedestrian amenities are needed at the west and east plazas.

Recommended conditions reflect those found in response to guideline A-10.

D-2 **<u>Blank Walls</u>. 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.**

<u>Early Design Guidance</u>: *Comments reflect those found in Hot Button #2 and #3.*

<u>Final design recommendation</u>: The Board noted that the CMU wall needs additional modification, as discussed in response to A-5.

Recommended conditions reflect those found in response to guideline A-5.

D-5 **<u>Visual Impacts of Parking Structures</u>. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

<u>Early Design Guidance</u>: *Comments reflect those found in A-8 and C-5.*

<u>Final design recommendation</u>: The proposed development includes structured and below grade parking. The structured parking is screened by live-work uses and the south CMU wall.

Recommended conditions reflect those found in response to guideline A-5.

D-6 **<u>Screening of Dumpsters, Utilities, and Service Areas</u>. 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.**

<u>Early Design Guidance</u>: *The applicant should demonstrate compliance with this guideline at the MUP stage of review.*

<u>Final design recommendation</u>: The Board noted that the trash and recycling needs to be provided a place to be placed at the curb for pick up.

Recommended condition: Provide space for trash and recycling pickup at the curb. Incorporate this information in the MUP plans prior to issuance.

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

<u>Early Design Guidance</u>: *Comments reflect those found in A-5 above and E-3 below.*

<u>Final design recommendation</u>: The Board felt the proposal satisfied this guideline.

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

<u>Roosevelt Guideline (augmenting C-4; applies to signage).</u> Developments should accommodate places for signage that are in keeping with the building's architecture and overall sign program.

Preferred sign types include:

1. **Small signs incorporated into the building's architecture, along a sign band, on awnings or marquees, located in windows, or hung perpendicular to the building facade is preferred within the Commercial Core Area.**
2. **Neon signs are also encouraged, while large illuminated box signs are discouraged.**
3. **Blade signs hung from beneath awnings or marquees are especially favored in the Commercial Core Area.**

Large box signs, large-scale super graphics and back-lit awnings or canopies are less desirable, especially within the Commercial Core. Where awnings are illuminated, the light source should be screened to minimize glare impacts to pedestrians and vehicles.

<u>Early Design Guidance</u>: *The Board noted that signage should be appropriate to each street frontage. Blade signs are encouraged at the 12th Ave NE façade, as noted in preferred signage type #1 in this guideline. Proposed signage placement should be demonstrated at the MUP stage of review.*

Final design recommendation: The Board noted that signage should be given some consideration and incorporated into the elevations.

Recommended condition: Provide information regarding live work and commercial space signage in the MUP plans prior to issuance.

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.

Early Design Guidance: *Proposed lighting should adequately address concerns of pedestrian safety, enhancing the pedestrian residential and commercial entries, and avoid light spillage to adjacent properties. The applicant should demonstrate compliance with this guideline at the MUP stage of review.*

Final design recommendation: The Board felt the proposal satisfied this guideline.

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.

Early Design Guidance: *The applicant should demonstrate compliance with this guideline at the MUP stage of review.*

Final design recommendation: The Board felt the proposal satisfied this guideline.

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.

Early Design Guidance: *The applicant should demonstrate compliance with this guideline at the MUP stage of review.*

Final design recommendation: Comments reflect those found in response to A-10.

Recommended conditions reflect those found in response to guideline A-10.

E. Landscaping (see Roosevelt Urban Village design guidelines for full text)

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.**

Early Design Guidance: *The applicant should either retain the existing mature trees where possible, or provide more mature substantial street trees. The applicant should demonstrate compliance with this guideline at the MUP stage of review.*

Final design recommendation: The proposed development has gone through review with DPD for exceptional trees. One tree was reviewed for potential status as an exceptional tree (mature Western Red Cedar at the north property line). DPD determined that this was exceptional, but will allow removal of the tree under SMC 25.11. To retain the tree would require a 49' buffer area, which would mean loss of residential and live-work density within the immediate proximity of the future light rail station. DPD determined that a smaller buffer could reduce the chance for long-term survival of the tree. The Board was advised that DPD had made this determination, and retention of the tree was no longer a question of design review. Replacement of the tree with additional trees will be reviewed by DPD and the applicant will be required to propose additional trees on the MUP plan sets prior to MUP issuance, per SEPA conditions. The proposal satisfies this guideline.

E-3 **Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

Early Design Guidance: *Landscaping at the south property line adjacent to Brooklyn Ave NE should allow for maximum light and air to the property to the south, provide screening of any blank walls, discourage graffiti, and maximize safety. Low shrubs that discourage physical contact (ex. Barberry and Oregon Grape) and climbing vines appropriate for south facing facades (ex. Boston Ivy).*

Final design recommendation: The Board noted that the adjacent site to the southeast includes a mature Japanese Maple tree, as described in response to guideline A-5.

Design Review Board Recommended design review conditions reflect those found in response to guideline A-5.

In addition to landscaping reviewed by the Design Review Board, DPD reviewed a mature Western Red Cedar tree at the north property line, in response to several public comments. Under SMC 25.11, DPD found that although this tree met the criteria for an exceptional tree, construction and additional structures near the root zone would make it difficult for the tree to survive an additional 20 years (Director's Rule 6-2001). The applicant discussed development standard and parking modifications with DPD that could allow adequate protection area for the tree.

DPD's conclusion and that of a third party arborist review was that the tree requires a minimum of 49 feet for a development-free protection zone if it is to survive in the long term. The proposed project is located in a designated Urban Village, an area zoned for higher density residential development, and in close proximity to the Roosevelt light rail station. A re-design to adequately protect the tree would reduce the project significantly in terms of the number of residential units possible. After a careful evaluation of all the factors, we have determined that the project cannot proceed consistent with the intent of its zoned potential and designation as an Urban Village, and reasonably retain the tree in a manner that would ensure its long term survival. Under SMC 25.11.080.A.2 and 25.11.050.A, DPD therefore will permit this exceptional tree to be removed. The tree will not be permitted to be removed until there is an approved building or grading permit for the site granting removal of the tree, under SMC 25.11.030.

RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the recommendation packet date stamped September 9th, 2008 and materials presented at the October 6th, 2008 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plan set and other drawings from the public 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 APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed above). The Board recommends the following CONDITIONS for the project. (Authority referred to via letter and number in parenthesis):

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. (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. (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. (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. (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. (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. (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)

<u>Response to Design Review Board Recommended Conditions:</u>

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.

DEVELOPMENT STANDARD DEPARTURES

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Residential Open Space SMC 23.47.024	20% of the gross residential floor area.	16.7% of the gross residential floor area.	The large commercial plaza/open space at the northwest corner provides important gathering space for the project and the community. If its areas were included the amount of residential open space provided would be 20.5%.	Recommended approval by 4 Board members, subject to the conditions listed above.
Site Triangle SMC 23.54.030	10 feet from the intersection of the driveway and sidewalk.	No site triangle.	The offered rationale is that there is enough distance between the property line and the curb to provide appropriate site lines.	Recommended approval by 4 Board members, subject to the conditions listed above (departure limited to allow only a structural post in the sight triangle).

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed at the end of this decision.

II. SEPA

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (May 14, 2007), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

DPD received 29 comment letters in response to the MUP application, mostly listing concerns about saving a mature Western Red Cedar tree on the north property line of the site.

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 such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities 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 due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Earth/Soils

The applicant submitted a geotechnical soils report that addressed construction shoring and permanent proposed foundation systems (Geotechnical Engineering Study, Proposed Mixed-Use Building Project, 6512 & 6516 – 12th Avenue Northeast; 1211 & 1219 Northeast 66th Street; and 6515 Brooklyn Avenue Northeast, Seattle, Washington). The report has been reviewed by the DPD geotechnical reviewer who noted that the soil conditions include weak surficial soils to depths of up to 6 feet, underlain by competent glacially consolidated soil, indicated to be glacial

till. These soils are generally favorable to the primary earth issues facing this project, which are foundation support and shoring/excavation support. Shoring will likely be needed due to basement excavations in vicinity of the property lines, unless written permission to encroach is provided by adjacent property owners. The Stormwater, Grading and Drainage Control Code (and DR 33-2006 and 3-2007) should be sufficient to regulate issues regarding protection of adjacent properties during excavation and construction.

The construction plans, including shoring of excavations as needed and erosion control techniques, will receive separate review by DPD. Given the existing codes and ordinances, no additional conditioning for geotechnical review is warranted pursuant to SEPA policies.

Noise

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring 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 hours of construction activity shall be limited, subject to the conditions listed below.

Traffic

In consultation with DPD's Transportation Planner it was determined that the anticipated number of construction vehicle trips would not significantly exacerbate traffic congestion in this area during peak hours of travel. Seattle Department of Transportation will review any sidewalk or street closures and will review construction vehicle staging and travel. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no additional conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

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 tight line 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, except as noted below.

Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and 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 due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. The proposed structure has gone through the Design Review process as noted above and has been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Historic Preservation

There are five existing single family buildings on the subject property, constructed between 1906 and 1977. The existing structures more than 50 years old have been examined by the Department of Neighborhoods and determined to be unlikely candidates for historic landmark designation. Therefore, no further conditioning is warranted by SEPA policies.

Parking

There will be increased parking demand created by the project. 10 existing parking spaces on site will be removed. Parking for 72 vehicles will be provided in structured and below grade parking, accessed from one curb cut on NE 66th St and one curb cut on Brooklyn Ave NE. Parking for 15 bicycles will be located within the parking garage.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that the proposed mix of uses would generate peak demand for approximately 88.5 vehicle parking spaces:

- 1.02 spaces per residential unit x 54 units = 55
- 2.75 spaces per 1,000 sq. ft. retail use x 2,453 sq. ft. = 6.6
- 2.75 spaces per 1,000 sq. ft. live/work use x 3,415 sq. ft. = 9.4
- 5.55 spaces per 1,000 sq. ft. restaurant use x 3,152 sq. ft. = 17.5

The site is located in a fairly dense urban area of the city and includes on-street parking and several public transportation options, including a future light rail station across the street. The ITE Parking Manual is based on suburban assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle facilities, or mass transportation. The proposed development retail and restaurant uses would likely be frequented primarily by people living and working in the immediate vicinity, which reduces the anticipated demand for parking spaces. In addition, people coming to the site for retail or restaurant uses have the option of walking, cycling, or using mass transportation, which further reduces the anticipated parking demand. For the remaining spillover parking demand of people driving to the site for these uses, there is a sufficient on-street parking space in the immediate vicinity of the site.

The difference between the parking demand shown in the ITE Parking Manual and the off-street parking provided on site would create a minimal impact, since people are able to walk or cycle to the site, use transit options to access the site, and park in on-street parking spaces if necessary. In consultation with DPD's Transportation Planner it was determined that the anticipated parking demand has been determined not to have a significant adverse impact on the existing parking in this area. Thus, the noted parking-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted under SEPA policies.

Plants and Animals

There are several mature trees on the subject property and in the lots adjacent to the south. As discussed in the design review section above, there is an adjacent mature Japanese Maple located immediately southeast of the subject property. The proposed development may cause damage to the roots of this mature tree, and is therefore conditioned to protect this tree during and after construction. The applicant shall be required to submit a tree protection plan prior to issuance of a Master Use Permit, as conditioned below.

During the public comment period, several neighbors commented on a mature Western Red Cedar at the north property line adjacent to NE 66th St. DPD reviewed several arborist reports submitted by the applicant. DPD has reviewed this tree under SMC 25.11 and determined that it will be permitted to be removed, as discussed in the Design Review section above.

One public comment also addressed a second potential exceptional tree on site, a Hawthorne immediately east of 1211 NE 66th St. DPD has examined this tree and determined that it is a Common Hawthorne variety and does not qualify for exceptional tree status.

Traffic

The applicant has stated that the proposed development would generate a total of approximately 120 vehicle trips per day. The Institute of Transportation Engineers (ITE) Trip Generation Manual 7th Edition notes that the proposed mix of uses would generate approximately 1122 vehicle trips per day and 137 peak hour trips.

- Vehicle trips per day:
  - 6.72 trips per residential unit x 54 units = 362.9
  - 44.32 trips per 1,000 sq. ft. retail x 2,453 sq. ft. = 108.7
  - 44.32 trips per 1,000 sq. ft. live/work use x 3,415 sq. ft. = 151.4
  - 158.37 trips per 1,000 sq. ft. restaurant use x 3,152 sq. ft. = 499.2
- Peak hour trips:
  - 0.62 trips per residential unit x 54 units = 33.5
  - 6.84 trips per 1,000 sq. ft. retail x 2,453 sq. ft. = 16.8
  - 6.84 trips per 1,000 sq. ft. live/work use x 3,415 sq. ft. = 23.4
  - 20 trips per 1,000 sq. ft. restaurant use x 3,152 sq. ft. = 63

The subject property is located in the vicinity of several arterials subject to high volumes of existing traffic. In consultation with DPD's Transportation Planner it was determined that no additional trip generation and distribution information was required and the anticipated number of vehicle trips has been determined not to have a significant adverse impact on the existing traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted under SEPA.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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.

[**X**] 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 Issuance of Master Use Permit

1. The applicant shall provide graphic information demonstrating live work and commercial space signage. The proposed signage shall be reviewed and approved by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

2. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA AND DESIGN REVIEW

Prior to Issuance of Master Use Permit

3. The existing Japanese Maple immediately south of the property line near Brooklyn Ave NE shall be protected during and after construction. The proposed tree protection plan and modifications to the landscape plan shall be reviewed and approved by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA

During Construction

4. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

   Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: (signature on file) Date: January 8, 2009
Shelley Bolser AICP, Land Use Planner
Department of Planning and Development

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