



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:** 3004849  
**Applicant Name:** Bob Becker for Ruth Williams  
**Address of Proposal:** 8926 Roosevelt Way NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four story mixed-use building with 4,237 sq.ft. of retail at ground level, 4, 420 sq. ft. of administrative office and five apartment units above. Parking for 17 vehicles will be located below grade. Existing retail building to be demolished.

The following approvals are required:

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

**Development Standard Departure** to place structure in the required 15’ triangular setback adjacent to a single family residential zone (SMC 23.47.014B1).

**Development Standard Departure** to exceed allowable lot coverage above 13’ building height (64% allowed; 71% proposed). (SMC 23.47.008D).

**Development Standard Departure** to exempt 4’ roof overhangs from maximum lot coverage above 13’ height (18” roof overhangs exempt, 4’ roof overhangs proposed) (SMC 23.47.008D and SMC 23.86.014.C.1).

**Development Standard Departure** to exempt 8’ deep balconies from maximum lot coverage above 13’ height (4’ deep balconies, 8’ deep balconies proposed) (SMC 23.47.008D and SMC 23.86.014.C.6).

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

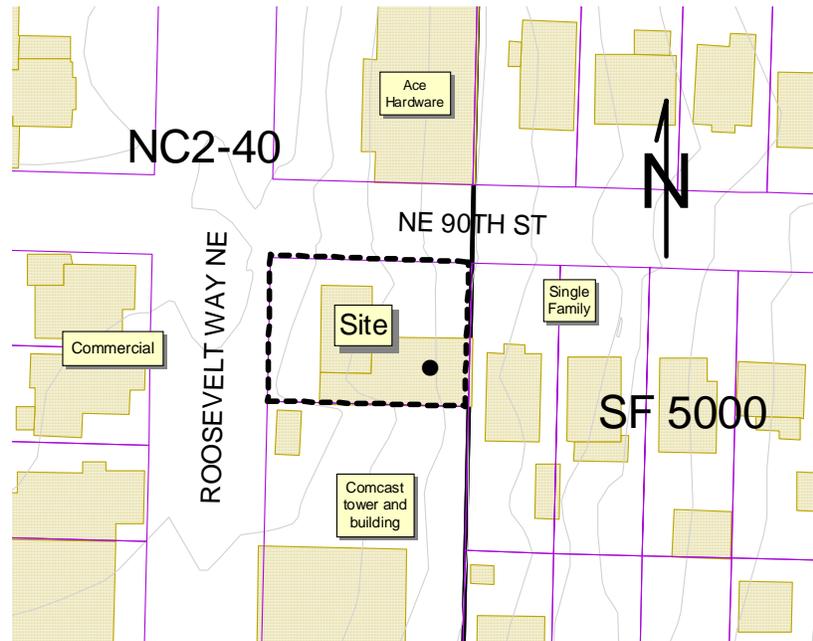
**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS  
[X] DNS with conditions  
[ ] DNS involving non-exempt grading, or demolition, or

another agency with jurisdiction.

## **SITE & VICINITY**

The 7,408 square foot corner site is located on the corner of Roosevelt Way NE and NE 90th St in the Maple Leaf neighborhood. One existing structure is located on the site. The building was built in 1935 and contains approximately 3,000 square feet of floor area, currently leased by a retail use (“Math’n’Stuff”).

The site is relatively flat, with some sloping to the east. The site is zoned Neighborhood Commercial 2 (NC2-40). Single Family 5000 (SF 5000) zoning is located directly to the east.



Surrounding uses include a mix of retail, restaurant, multi-family residential, and single family residential. Commercial and multi-family uses are located on Roosevelt Way NE, with single family development immediately to the east and west. The buildings are a mix of mostly older and some newer smaller scale buildings.

The area includes sidewalks and transit stops. Parking is predominantly on-street, with limited parking lots located in front of retail buildings. The site contains one large street tree on Roosevelt Way NE.

## **PROJECT DESCRIPTION**

The proposed development would include demolition of the existing building and construction of a new four story mixed-use residential, office, and retail building. The proposed structure would include approximately five residential units on the third and fourth floors, one story of 4,420 square feet of office at the second floor, and one story of 4,237 square feet of retail at the ground floor. Approximately 17 parking spaces would be located below grade. Vehicular access would be from NE 90th St at the northeast corner of the site.

## **PUBLIC COMMENTS**

Public notice of the proposal was issued on November 30<sup>th</sup>, 2006. Nine public comments were offered during the review period, either in writing or at the design review meetings.

## I. DESIGN REVIEW

### DESIGN GUIDELINE PRIORITIES:

#### EARLY DESIGN GUIDANCE MEETING (August 21<sup>st</sup>, 2006)

At the Early Design Guidance meeting held on August 21<sup>st</sup>, 2006 and after visiting the site, considering the analysis of the site and context provided by the proponents, 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 "*Northgate Urban Center & Overlay District 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-5 Respect for Adjacent Sites
- 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
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-3 Retaining Walls
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site

The primary guidance from EDG included:

- The siting, setbacks, and modulation of the building should respond accordingly to the presence of single family development to the east and the utility tower to the south. Blank walls should be avoided.
- Storefront development should reference traditional items such as high degree of transparency, canopies for overhead pedestrian weather protection, traditional storefront detailing, signage, and residential entries. Retail spaces should be clearly identifiable and easily accessible.
- Mature street trees are a prominent streetscape element in this area. The applicant should include additional street trees at the NE 90th St façade.
- Proposed driveway:
  - The existing hedge on the neighbor's property to the east should be retained through placement of structures and proposed construction methods
  - Sight triangle requirements should be addressed through methods other than a sight triangle, if necessary

- Adequately screen trash areas from view and prevent odors from affecting the existing adjacent single family development.

### **DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY (MAY 7<sup>TH</sup>, 2007)**

On November 2<sup>nd</sup>, 2006, the applicant submitted for a Master Use Permit. The application is vested to the codes and design guidelines in effect prior to January 2007 because the MUP application was submitted within 90 days of the EDG meeting.

On May 7<sup>th</sup>, 2007, the Northeast Design Review Board convened for a Final Recommendation meeting. Additional packet materials and display boards presented for the Board members' consideration included perspective sketches, updated design departure requests, site plans, sections, elevations, materials and colors, floor plans, lighting information, and landscape plans.

### **DESIGN PRESENTATION**

Bob Becker of Becker Architects gave the applicant presentation. He explained that the design had evolved after a series of communications with Seattle Department of Transportation and DPD. In response to the EDG, the proposed design included modifications to meet priority guidelines. Modifications included:

- Setback upper portions of the east building façade and made balcony panels transparent to further reduce apparent mass
- Modification of proposed street improvements to retain the existing street trees and add street trees
- Inclusion of a proposed light well and banding of colors and materials on the south façade
- Colors and materials on west, north and east facades have been designed to allow a high degree of transparency and energy efficiency
- Additional setback at the street level of the west elevation for increased pedestrian area
- Proposed lighting under building overhang at west elevation to provide safe and inviting area adjacent to retail
- Proposed sun shades at the west elevation of the second story to reduce solar gain

### **BOARD QUESTIONS AND COMMENTS**

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

- What are the requested departures?
  - To allow more than 64% lot coverage above 13' building height, in order to allow for larger decks and building overhangs. Without the balconies and overhangs, the proposal would be under the permitted lot coverage maximum
  - To allow an open guardrail to be placed in the 15' x 15' sight triangle at the northeast property corner
- The applicant is proposing to retain the existing hedge on the neighbors' property to the east. Is it reasonable to expect the hedge will survive construction?

- The applicant has discussed proposed construction and excavation methods with their arborist and landscape architect. The footing for the garage ramp and railing would be located on the subject property. Some of the hedge roots on the subject property would need to be cut, but the hedge should survive if it is fertilized after excavation and backfill.
- There is a lot of glass on the west, north, and east facades. How would the lighting plan appear to pedestrians on the street level?
  - All fixtures would be shielded and aimed toward the proposed building in order to avoid light spillage. Exterior lights at street level would be downlights in a can fixture inset into the building overhang. Signage would be lit with two fixtures pointing toward the sign.
- What are the materials proposed for the storefronts?
  - The steel frame preferred color is deep plum, with clinker brick red and dark bronze mullions on the storefront.
  - The alternative color option is gray steel frame with lighter gray mullions
- Would the benches shown on the perspective drawings be located under the building overhang?
  - yes
- Does the applicant have tenants in mind for the retail spaces?
  - Math'n'Stuff may decide to come back to the space, but they are unsure about relocating their business twice. Otherwise, unsure about tenants at this time.
- How much space is proposed between the rear first story deck and the east property line?
  - Approximately 8', all of which would be landscaped with the existing 4' deep hedge and 4' deep proposed landscaping
- What is the current placement of existing structures in relation to the property line?
  - The existing building is located at the property line, for approximately half the length of the east property line
- How would the residential entry at the southwest corner be differentiated from the retail entries?
  - Signage would be emphasized, and different lighting techniques are possible.
- Does the proposed light well at the south façade start at the retail level?
  - No, because the first story of the Comcast yard adjacent to the south façade of the proposed retail level consists of utility storage and wouldn't allow the opportunity for much light. The light well starts at the second story.
- Why were the proposed sidewalk planting areas removed from the NE 90<sup>th</sup> St improvements?
  - SDOT requested that due to sidewalk clearance, the applicant install narrow trees in smaller than normal tree pits in place of the proposed landscaped strips.
- The landscaping plan doesn't appear to include vines or trailing plant materials in the planter above the parking garage entry, but the perspective drawings indicate trailing plants.
  - The landscape plan should include trailing plants in that area; that is the intent.
- The applicant noted that they are trying to maximize energy conservation in the proposal. Is that the reason for the darker tinted glass shown on the materials and colors boards? Would the glass include an energy coating?
  - Yes, it is the reason for the proposed tinting (either gray or green). The glass would be used at all areas of fenestration on the building. No, the proposed glass

wouldn't include an energy coating.

## **PUBLIC COMMENT**

Two members of the public attended the Recommendation meeting. The following comments and questions were offered:

- Would the 17 proposed parking spaces be reserved for retail, or residents, or someone else?
  - A certain number of parking spaces are required by the Land Use Code, but it isn't yet determined if those would be specifically reserved for the residential units, office, or retail.
- What are the reasons for not widening the street at this time?
  - SDOT requested that Roosevelt Way NE remain at the current width at this site in order to retain the existing street trees and maintain the existing location of the manhole. On street parking will be created at Roosevelt Way NE and NE 90<sup>th</sup> as a result of removing existing curb cuts. The proposed smaller curb radius should help to reduce traffic speed and flow turning onto NE 90<sup>th</sup> St.
- Is the deck on the east side of the first story available to residents?
  - It would be available to anyone to use, including residents
- Is there no open space at grade proposed for residents' shared use?
  - Aside from the first story deck available to all, no
- Who would use the proposed balcony spaces on the north façade at stories 2 through 4?
  - Those are private spaces associated with the adjacent residential unit
- Is there balcony space proposed at the 4<sup>th</sup> story east façade?
  - No, that was a graphic error on page 17. The areas shown east of the closet space on the floor plans would be open to below with no floor or balcony areas
- How does the trash enclosure work?
  - It would be located at the north street level façade, screened with perforated metal, and the lights would come on when the door is opened.
- How will the sidewalk line up with the existing sidewalk on Roosevelt Way NE?
  - The existing sidewalk is 12' wide; the proposed sidewalk is 12'4" wide and will line up with the existing sidewalk
- The darker tones are preferable (dark plum palette)
- Real transparent glass instead of tinted glass would be better for transparency. Tinting should be as light as possible.
- It would be great if Math'N'Stuff could remain a tenant
- Appreciation for the smaller curb radius
- The Comcast building has an unfortunate appearance that will probably remain for many years. The proposed south façade should include techniques to reduce massing and improve appearance, since it will be visible for a long time.
- Ace Hardware is very busy, and there may be driveway competition at NE 90<sup>th</sup> St
- Efforts should be made to highlight the residential entry at Roosevelt Way NE.
- How large is the sidewalk area under the building overhang at Roosevelt Way NE?
  - 8-12' deep, in addition to the sidewalk areas outside of the building overhang.

## **DESIGN ANALYSIS**

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 *Northgate Urban Center & Overlay District Design Guidelines*.

### **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.**

**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.**

The applicant has continued to propose the garage entry at the northeast corner of the site, which appears to be the best response for placement. The Board noted concerns about the effect of the proposed driveway next to the existing hedge, but gave positive comments for the proposed textured paving at the sidewalk on either side of the proposed driveway and the open rail system adjacent to the hedge.

The Board recommended that the applicant incorporate additional solutions to ensure that pedestrian safety is maintained even with a reduced sight triangle. Possible methods to increase pedestrian safety include working with the adjacent neighbor to trim the hedge near the sidewalk, installing mirrors, and installing signage to notify pedestrians and vehicles of the transition area. The proposal meets this guideline, subject to the recommended conditions listed below.

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

The applicant demonstrated that the proposed retail street level façade would include lighting, paving, and seating techniques to introduce desirable spatial characteristics. The Board commented that additional techniques to create human scale and inviting areas under the building overhang should be incorporated. Possible techniques include use of textured CMU at the lower façade or column bases and placement of planters and benches to delineate outdoor seating and gathering areas. The proposal meets this guideline, subject to the recommended conditions listed below.

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

The proposed development includes retail storefronts closer to the property line than the residential entry. The applicant noted that the proposed residential entry would be clearly identifiable as distinct from the retail entries, through signage, lighting, and landscaping. The proposal meets 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.**

The applicant has proposed substantial setbacks at the east façade from the adjacent property. The east facing residential units at the third and fourth floors would be setback further, with the fourth floor set back further than the third floor. The proposal effectively reduces the apparent mass of the building as viewed from the single family development to the east. The proposal meets 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.**

The proposed development includes an eroded street level façade at the corner, a second story that meets the corner of the building, and third and fourth floor balconies at the corner. The proposed columns at the street level on have been placed to provide 8-12' between the building and the column, which provides adequate areas for pedestrian travel. The proposal meets this guideline.

**B. Height, Bulk and Scale**

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

Comments reflect statement of response to A-5. The proposal meets this guideline.

**C. Architectural Elements and Materials**

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

The proposed development includes traditional storefront elements such as glass storefronts, overhead pedestrian weather protection, and blade signs. The applicant has noted the residential entry treatments will be distinct, as described in the response to A-3. The proposal meets this guideline.

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**
- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The applicant presented two color scheme options at the Recommendation meeting: one in a palette of gray steel, smoked gray glass, light gray mullions, and light colored CMU. The second palette (preferred by the applicant) included plum and dark red colored steel, green tinted glass, dark colored mullions, and dark and medium colored CMU.

The Board commented that the second palette complements the proposed design, but noted concerns about the darker tinted glass color and the lack of variety of materials proposed on the south façade. The Board expressed appreciation for the applicant's attempt to maximize building energy efficiency, but noted that other glass treatments aside from tinting may be feasible.

The applicant should examine other glass treatments to maintain proposed energy efficiency but provide as transparent glass as possible. The applicant should also modify the proposed south façade to increase visual interest and provide a textured surface instead of only a graphic pattern. Possible methods to modify the south façade include using additional material textures/colors/depths and/or incorporating vines into the façade. Vines may be possible by adding a planting area at the base of the light well and providing access for maintenance.

The proposal meets this guideline, subject to the recommended conditions listed below.

## **D. Pedestrian Environment**

- D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

Comments reflect statements of response to A-2, A-3, and C-1. The proposal meets this guideline, subject to the recommended conditions listed below.

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

Comments reflect statements of response to C-2 and C-4 regarding the south wall. The proposal meets this guideline, subject to the recommended conditions listed below.

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

There are no retaining walls proposed near a public sidewalk. The proposal meets this guideline.

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

The applicant noted that the dumpster areas would be fully screened and located on the north façade. The dumpster areas would be set into the building, and screened from the sidewalk by perforated metal doors with a light inside that would be activated when the doors are opened. The proposal meets this guideline.

## **E. Landscaping**

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

Comments reflect statements of response to C-2 and C-4 regarding the south wall. The proposal meets this guideline, subject to the recommended conditions listed below.

## **RECOMMENDATION AND CONDITIONS**

The recommendations summarized below were based on the recommendation packet date stamped April 23<sup>rd</sup>, 2007 and materials presented at the April 30<sup>th</sup>, 2007 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 April 23<sup>rd</sup>, 2007 packet and the April 30<sup>th</sup>, 2007 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. Incorporate additional solutions to ensure that pedestrian safety is maintained at the driveway entrance on NE 90<sup>th</sup> St. Possible methods to increase pedestrian safety include working with the adjacent neighbor to trim the hedge near the sidewalk, installing mirrors, and installing signage to notify pedestrians and vehicles of the transition area. The applicant shall work with DPD to fulfill this recommendation prior to issuance of the Master Use Permit decision. (A-1, A-8)
2. Include additional techniques to create human scale and inviting areas under the building overhang at Roosevelt Way NE. Possible techniques include use of textured CMU at the lower façade or column bases and placement of planters and benches to delineate outdoor seating and gathering areas. The applicant shall work with DPD to fulfill this recommendation prior to issuance of the Master Use Permit decision. (A-2, D-1)
3. Fenestration shall include non-reflective materials with maximum transparency. Transparency shall not be substituted for the proposed level of energy efficiency. The applicant shall work with DPD to fulfill this recommendation prior to issuance of the Master Use Permit decision. (C-2, C-4)
4. The proposed south façade shall be modified to increase visual interest and provide a textured surface. Possible methods to modify the south façade include using additional material textures/colors/depths and/or incorporating vines into the façade. The applicant shall work with DPD to fulfill this recommendation prior to publishing of the Master Use Permit decision. (C-2, C-4, D-2, E-1, E-2)
5. Provide a complete landscape plan, including species and sizes of plant materials. The applicant shall work with DPD to fulfill this recommendation prior to publishing of the Master Use Permit decision. (E-1, E-2)

Response to Design Review Board Recommended Conditions:

1. The applicant has noted that a curved mirror will be installed on the northeast corner of the north stair tower, as conditioned below.
2. The applicant has revised the plaza areas on Roosevelt Way NE to include planters and seating areas, as conditioned below.
3. The applicant has provided a sample of the proposed glazing material and demonstrated that the glazing will have a high degree of transparency (PPG Ideascapes “Solarban 70XL (2) Starphire”).
4. The applicant has modified the north façade to include additional materials, colors, and textures, as demonstrated on page DR-3a, as conditioned below.
5. The final MUP plan set shall reflect a complete list of plant materials, sizes, and placement, as conditioned below.

**DEVELOPMENT STANDARD DEPARTURES**

**Departure Summary Table**

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
<b>Setbacks adjacent to residential</b>	15' no build triangle at transition from mixed-use to	Locate entrance to under-	Structure is at or below grade and screened by existing	Recommended approval by 5 Board members, subject to the conditions

development in NC2 zones SMC 23.47.014.B1	residential zone	ground parking in this area	hedge. Only item above grade is an open railing adjacent to hedge	listed below
Maximum lot coverage above 13' building height for mixed-use structures SMC 23.47.008.D	Maximum 64% lot coverage above 13' building height for mixed-use structures	Allow 71% lot coverage for deeper balconies and larger roof overhangs	Deeper balconies allow more planting area and larger roof overhangs reduce heat gain in glazed areas	Recommended approval by 5 Board members, subject to the conditions listed below
Items exempt from Lot coverage maximum in NC zones SMC 23.47.008.D SMC 23.86.014.C.1	Lot coverage maximum 64% above 13' building height; balconies permitted up to 4' deep	Allow 71% lot coverage for 8' deep balconies	Additional lot coverage will allow for more usable private outdoor areas for residential units. Proposal without balconies is under 64% lot coverage.	Recommended approval by 5 Board members, subject to the conditions listed below
Items exempt from Lot coverage maximum in NC zones SMC 23.47.008.D SMC 23.86.014.C.6	Lot coverage maximum 64% above 13' building height; eaves permitted up to 18" deep	Allow 71% lot coverage for more than 18" deep eaves	Additional lot coverage will allow for more usable private outdoor areas for residential units. Proposal without eaves is under 64% lot coverage.	Recommended approval by 5 Board members, subject to the conditions listed below

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

## II. SEPA

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (October 11, 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.

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; 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 (e.g., increased traffic and parking demand from construction personnel) 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 and transport 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.

### Noise

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.

### 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.

### 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 is one existing commercial structure on the subject property, built in 1935. This structure has been reviewed for potential historic significance and landmark status. The structure was found to not meet the criteria for historic landmark designation, therefore no further conditioning is warranted by SEPA policies.

### Parking

There will be increased parking demand created by the project. Eight existing parking spaces on site will be removed. Parking for 17 vehicles will be provided in below grade parking, accessed from NE 90<sup>th</sup> St.

The Institute of Transportation Engineers (ITE) Parking Manual 3<sup>rd</sup> Edition indicates that the residential use in an urban setting would generate peak demand for approximately 30 vehicle parking spaces:

- 1 space per residential unit x 5 units
- 3.4 spaces per 1,000 sq. ft. retail urban setting x 4,237 sq. ft.
- 2.4 spaces per 1,000 sq. ft. office urban setting x 4,420 sq. ft.

The Land Use Code requires 16 parking spaces. The applicant has provided 17 parking spaces, which is more than required by the Land Use Code.

The site is located in a fairly dense urban area of the city and includes on-street parking and public transportation options. The ITE Parking Manual is based on assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle facilities, or mass transportation. The proposed 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 either office, retail, or residential 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 are numerous on-street parking spaces in the immediate vicinity of the site.

### Traffic

The applicant has stated that the proposed development would generate a total of approximately 270 vehicle trips per day. The Institute of Transportation Engineers (ITE) Trip Generation Manual 7<sup>th</sup> Edition notes that the proposed mix of uses would generate approximately 270 vehicle trips per day and 39 peak hour trips.

- Vehicle trips per day:
  - 6.72 trips per residential unit x 5 units
  - 11.01 trips per 1,000 sq. ft. retail urban setting x 4,237 sq. ft.
  - 44.32 trips per 1,000 sq. ft. office urban setting x 4,420 sq. ft.
- Peak hour trips:
  - 0.67 trips per residential unit x 5 units
  - 6.84 trips per 1,000 sq. ft. retail urban setting x 4,237 sq. ft.
  - 1.55 trips per 1,000 sq. ft. office urban setting x 4,420 sq. ft.

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 (SMC 25.05.675.R).

### 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.

- 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 final plan set shall include a landscape plan including species, size, and placement of plant material.
2. The landscape plan shall address the planters proposed for the Roosevelt Way NE street frontage and shall include a variety of low shrubs and ground cover plant materials in those planters.
3. The landscape plan shall include species, size, placement, soil depth, and proposed irrigation methods for the vegetative vines proposed to be planted in the south façade light well at the second floor.
4. The final plan set shall include a colors and materials page, including manufacturer information and color code reference numbers from the manufacturer.
5. The final plan set shall include a note, “a curved mirror shall be installed on the northeast corner of the north stair tower.”
6. The final plan set shall not include previous designs for building elevations, perspectives, or color schemes.
7. The final plan set shall reflect redline corrections by the zoning reviewer (corrections made 8/21/2007).

#### **For the Life of the Project**

8. 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**

#### **During Construction**

9. 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: September 17, 2007  
Shelley Bolser, Land Use Planner  
Department of Planning and Development

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