City of Seattle

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

Project Number: 3006773

Applicant: George Schweikart for Mike Strand and 668 Nickerson LLC

Address: 6010 Phinney Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow demolition of the existing structures and construction of a four-story commercial and residential structure with below-grade parking. The design concept includes approximately 2,708 square feet of ground level commercial space, 19 residential units, and below grade parking for 23 vehicles. Vehicle access to the site is proposed from N 61st Street.

The following approvals are required:

Design Review Departures (SMC Chapter 23.41)

Development Standard Departure to allow less than the required street level transparency (SMC 23.47A.008.B.2.a.).

Development Standard Departure to allow less than the required setback for residential uses at street level (SMC 23.47A.008.D.2)

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 involving another agency with jurisdiction.

SITE & VICINITY

Site Zone:

The site is zoned Neighborhood Commercial with a height limit of 40 feet (NC2-40). This zoning designation extends approximately two blocks north and south of the site along the Phinney Ridge corridor. To the east and west of the commercial corridor the zoning changes to Single Family with a minimum lot area of 5,000 square feet (SF5000).

Lot Area: 10,000 square feet.

Current Development:

One story early 20th century commercial structure and one storage shed with surface parking.

Access:

Vehicular access to surface parking behind the building is via a curb cut from N. 61st St.

Surrounding Development:

Development in the surrounding area includes a mix of structures and uses including single and multi-family residential and retail and office commercial.

ECAs:

No ECAs on site.

Neighborhood Character:

The site is located in Seattle's Greenwood/Phinney neighborhood, on the southeast corner of the intersection of Phinney Ave N and N 61st Street. The site is virtually flat; however the Phinney Ave N corridor rests on a natural ridgeline that extends north from the Fremont neighborhood to Greenwood, near North 85th Street. East of the site is Green Lake and looking west are views of Ballard, the Puget Sound, and the Olympic Mountains.

EARLY DESIGN GUIDANCE MEETING: October 8, 2007

DESIGN DEVELOPMENT

The project proponent described the site location, influences on the current design, and general context of the surrounding area, including topography of the site, architectural design treatments along Phinney Avenue North, and traffic networks in the vicinity.

Three design options were presented by the applicant. All of the options include a four-story mixed commercial and residential structure with below-grade parking. The first proposal, Scheme One, presents access to the site (parking garage entrance) from North 61st Street, which is the east-west residential collector street north of the subject site. The applicant stated that, with regard to the garage entry, the intent is to pull traffic and access away from the corner intersection.

In Scheme One, the structure design includes commercial uses at-grade along the entire length of street frontage along Phinney Avenue North, wrapping the corner, and extending along North 61st Street. This design includes two residential units on the main level, in the southeast corner of the site, with an additional three levels of residential units above.

In Scheme Two, the project shows access to the site and garage from Phinney Avenue North in the southwest corner of the lot. The proposal includes four residential units on the main level facing the east property line, and an upper level setback along the single family zone immediately east of the subject site. The commercial space is oriented primarily along Phinney Avenue North. The main lobby for residential uses is located mid-lot along North 61st Street.

The applicant noted that part of the design program includes expanding the pedestrian experience along both Phinney Avenue North and North 61st Street; both sidewalks are wide and will allow additional landscaping and street trees. At present there is no landscaping along either sidewalk.
Scheme Three includes access to the site from Phinney Avenue North, similar to Scheme Two. The commercial space has primary frontage along Phinney Avenue North and wraps around the corner onto North 61st Street. The main lobby for residential uses is north of the parking access in the southwest corner of the site. Four two-story residential units face the single family zone to the east, again with a setback of approximately 15 feet.

The applicant explained that the corner will be modest in character, with "softened" architectural elements. The intent is to use high quality materials, such as brick and plenty of glass for the residential spaces, along with traditional materials in use along Phinney Avenue North.

PUBLIC COMMENT

Approximately 14 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Several members of the public expressed a preference for the garage entrance to be on Phinney Avenue North, similar to the Roycroft building directly across Phinney Avenue North.
- Along the subject property's east property line there is a row of Cedar trees and an Ash tree, all approximately 6-9 feet in height. Several members of the public stressed that the trees should be retained and protected during demolition, and through construction.
- Interest in seeing design studies and details that protect the privacy and mitigate impacts from the height, bulk, and scale of the building along the east property line.
- Interest in seeing adequate parking for the commercial uses. At present, there is little availability of on-street parking for retail shoppers.
    - *(DPD staff note: parking requirements will depend on the type of commercial use per space)*

- When the Roycroft building was being built in August, 2003, an arsonist set fire to the building and was nearly successful in burning the structure to the ground. Interest in seeing security on-site during construction, such as night security, or fencing around the construction zone.
- Preference for the architectural design of the structure to more closely resembles the surrounding architectural style of the bungalow and craftsman single family residences.
- Interest in seeing the corner of the building designed in a way that is inviting, safe, and interesting, which includes the landscaping and open space program.
- The transition between the properties will need thorough consideration; view obstruction will need to be taken into consideration and minimized to the fullest extent possible.
- Concern that if the parking garage access is to be located on Phinney Avenue North, as the preferred option proposes, no additional curbcuts should be added to the streetscape.
- Preference to see, in the design concept, more consideration given to upper level setbacks along Phinney Avenue North. The proposed design does not take into account the real character of the Phinney neighborhood, rather seems to be striving for more of a "Belltown" style.
- There should be a solar study that includes the bus stop areas, which tend to be heavily shaded when taller structures are developed.

INITIAL RECOMMENDATION MEETING: February 23, 2009

DESIGN PRESENTATION

The project team described the design program and general design objectives for the proposal, and presented Board members and the public with project updates. Key characteristics of the current design include two retail spaces facing Phinney Ave N; garage access and service oriented uses in the northeast corner of the site on N 61st Street; residential access on N 61st Street, recessed 42 inches from the sidewalk; and three stories of residential single-load units above the ground level. Outdoor features include prominent landscaping along both rights-of-way, balconies for all residential units, rooftop patio and green roof common amenity areas.

Proposed materials include painted fiber cement siding, hardi plank lap siding, corrugated metal siding, dark bronze or black aluminum storefront system, wood grain panels for the rear of the building, brick, concrete, and a stained wood fence along the east property line.

The main elevation along Phinney Ave N includes brick as the primary material, which, the applicant noted, represents one of the more historic building materials along Phinney Ridge. Features of the façade include modular material, two solid bays, and corners lightened up with glass. The applicant explained the intent to create a rhythm of a lighter transparent façade and a heavier permanent façade. The continuous canopy along Phinney Ave N and the large amount of glazing support the pedestrian experience.

The façade along N 61st Street includes a corner commercial space and a residential entry area. The applicant referred to a design departure request of 41% street level transparency, rather than the required 60%, and suggested that including a landscape zone and green wall along the garage drive would work well in lieu of open transparency along the street. Additionally, the applicants have requested that the residential entry be closer to the sidewalk and at-grade rather than above grade.

The design team stated that they have worked to soften the east-facing (rear) façade by adding a green wall, a 6 foot fence along the east property line, and lower level residential unit landscaping. Transparent bays exist at the north and south corners with solid bays in the center. The materials have been changed to wood panel to evoke a more residential quality. Along the south elevation, the applicants noted that they were striving for vertical modulation with various materials; including brick, fiber cement siding, fiber cement panels, wood, and metal.

The design team showed street views of the proposed development, section drawings looking east and looking south, and discussed solar studies of the proposal (spring and autumnal equinoxes at various times of the day).

PUBLIC COMMENT

Many members of the public attended this Design Recommendation meeting. The following comments, issues and concerns were raised:

- The galvanized panels may rust and turn brown. It would be preferable to see a different finish. The building should be softened with a curve, rather than the sharp looking angular lines.
- The east and west elevations look good. The north and south elevations show too many materials, not enough detail. Consider using evergreen plantings along N 61st Street.
- The garage entry on N 61st Street should be moved to Phinney Ave N; there is precedent for this already. If the curbcut were placed on Phinney Ave N it could be shared with future development. The mass looks like five stories along Phinney Ave N, too big and blocky. Step the building further back at upper stories along Phinney Ave N. Break up the canopy, and provide transparency in the canopy. Increase setbacks along the streets.
- Against the departure request for transparency; the commercial area needs to be increased. Losing too much retail at the street level.
- The design calls for too many material choices; skim the amount of materials down to brick and wood only, for example. The vertical massing/striations are disjointed and busy; calm these down. Would prefer to see a distinct base and cornice. The corner treatments are not unique – should not be symmetrical. Do as much as possible with the commercial area to encourage the existing businesses/tenants to remain.
- Concerned about the life-cycle of the wood material; does not look like it will weather time. The residential entry and garage access should not be on N 61st Street.
- There does not appear to be an easy solution for the garage entry. The awnings should be transparent. The vertical solid elements should be removed.
- The style of architectural design is too modern; re-work the architecture. Fit the architecture better in relation to the neighborhood.
- The sidewalk is too narrow on Phinney Ave N. The building should be smaller. Approximately 1,400 sq. ft. for commercial space is too small; they should be larger in order to accommodate restaurant use.
- Commercial parking spaces need to be provided.
- Should use solstice dates for the shadow study, rather than equinox dates. Put the all residential units along N 61st Street rather than on the south. Move the driveway to Phinney Ave N, along the south property line. The retail spaces are sized to avoid commercial use parking requirements, but they are too small to entice tenants that the neighborhood would like to see.

The massing and materials lose cohesiveness; reduce the number of material choices to bricking and glazing.

- The vertical masses are too much. Better street view sketches are needed.
- Concern that the materials will not hold up well to flame/fire. Would like to see a guard on-site during construction. The colors are not well thought out. The residential entry and garage entry should be moved off N 61st Street.
- Do not like the tunnel effect along Phinney Ave N. Would like to see the existing businesses retained.
- The Vine Maples along N 61st Street are nice. Would like to see a better design along the both streets; a design that strongly considers an opportunity for a community feel, gathering place; one that encourages music and restaurant uses.
- The building should be smaller and should better reflect the neighborhood.
- The east elevation and wall should be set back further to protect single family privacy, sun shadows, and noise for residences to the east. There appears to be more of a set back at upper levels on other buildings.
- The design does not appear to be providing enough parking spaces.
- The balconies should be changed to bay windows. It was also suggested that bay windows replace the balconies above Phinney Ave N; that balconies would be welcome elsewhere.
- The design team should take the neighborhood concerns seriously in the next phase of design.
- The shape and size of the commercial spaces do not invite the types of uses the neighborhood would like to see. The space appears to be a "dead space". As an example, how would a fan system be incorporated into the existing commercial area design?
- The design team should consider a 3-story building rather than a 4-story building.
- The shape of the retail space does not work well; was thought given to a courtyard design along Phinney Ave N?
- The slope of the driveway appears to be too steep as designed and unsafe for pedestrian traffic.
- The south elevation should incorporate more greenery, such as a green wall.
- The roof design includes two stairwells and one elevator – could this be scaled back?
- The roof line needs improvement. The building should be set back further from the property lines along the streets. The Board should require more from the applicants before granting the requested departures.

FINAL RECOMMENDATION MEETING: September 14, 2009

DESIGN PRESENTATION

The project team confined the bulk of their presentation to the manner in which they addressed the 14 recommendations from the initial Recommendation Meeting held on February 23, 2009.

Key characteristics of the current design include relocation of the residential entry from N 61st to the Phinney Ave N side between the two commercial spaces; additional setback of the upper (4th level); increased use of brick at the base to better reflect traditional neighborhood building features; concrete lintels and window caps; glass canopies at staggered heights at the street for greater transparency and light penetration; relocation of rooftop patio; simplified color and material palette; and, reduction in height of north stair tower. Specifics of these details are found in the body of the discussion below and summarized at the end under the Board's recommendation from the February 23rd meeting.

PUBLIC COMMENT

Approximately forty members of the public attended the meeting. Additional public comment, forwarded by mail and email along with all project documents and reports may be found in the project file, MUP 3006773.

- Design looks better, particularly the increased upper level setback; concern about ADA accessibility to trash room; concern about location of below grade garage exhaust vent at the southeast corner closest to single family homes; appreciate new material palette but would like concrete to be more like terra cotta; concern that Norway Maples at Phinney N are too large for that location; wants driveway access to be on Phinney Ave N; concern about lack of parking for commercial uses pointing to eight existing spaces for existing business.
- Architects have made a lot of improvements; would like to see a deeper recess at the corner for increased gathering space; wants access driveway to be from Phinney Ave N; concerned that updated plans not available before meeting to comment on width of proposed driveway and required site triangles; likes the glass canopies but would like to see them higher to prevent claustrophobic effect; commented that guideline A-8 [related to access] applies equally to 61st N as well as Phinney Ave N resulting in inconsistent application of guidelines; suggested there is evidence of historical curb cut on Phinney Ave N.
- Appreciates that architect studied the neighborhood and incorporated local design elements; particularly likes the increased use of brick, the increased setback of the upper level and the relocation of the rooftop garden; the access driveway needs to change; renderings provided by the architect do not show the view to the east down N 61st and the single family homes; the south stair tower still looks like a monolith; applicant needs to show code compliance for driveway slope, width and site triangles; wants the driveway to be located at the southwest corner of the property [on Phinney Ave N]; believes process is flawed because of confusing notice of Design Review board meeting time.
- Concerned about ADA access to trash room.
- No buildings look like proposed building; neighborhood buildings are all brick; doesn't like contemporary design, building doesn't fit into the neighborhood; concerned about location of trash room and garage exhaust close the adjacent neighbors; the driveway is in a dangerous location; doesn't like balcony railings; doesn't like parking strip plantings; wants artwork; wants a high-end building.
- Appreciates the changes made by the architects especially the increased brick; would like panelized wood material on the east façade to be all one color [maybe all green]; appreciates the extra setback at the top level; wants the driveway moved to Phinney Ave N; wants something similar to existing trees at east property line to be planted.
- Thanked architect for the design changes; corner commercial space needs to be bigger; driveway should be moved to Phinney Ave N; doesn't like wood panelized material on the east façade – would like more brick; wants the concrete plinths to be well done.
- Would like to see window [or other transparency] in the south stair tower.
- Wants to have driveway on Phinney Ave N and wants to see rationale from Board in this regard.
- Wants to have driveway on Phinney Ave N.
- Likes the design as proposed and thinks the access driveway is in the most appropriate location.

PRIORITIES & BOARD RECOMMENDATIONS

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. The Board identified the Citywide Design Guidelines of highest priority for this project.

A. Site Planning

A-2 <u>Streetscape Compatibility</u> – The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

At the Early Design Guidance Meeting, the Board encouraged the applicant to reconsider the project concept with greater emphasis on a street level design that supports pedestrian activity along both Phinney Ave N and N 61st Street. The goal is to ensure that the corner is developed in a way that recognizes the need for pedestrian safety, comfort, protection from natural elements, and interest in the structure and (potential) use. The corner should also enhance and support vibrant retail-oriented street level activity; such as currently exists in the immediate vicinity.

The relationship of the proposed structure to the adjacent and lower residential zoned property is a major issue for this site. The design of the structure and its massing should be placed, as much as possible, along Phinney Ave N, and stepped back along the east property line to minimize not only bulk and scale issues along the single family zone, but to minimize shadow impacts on the adjacent structures and public areas.

The Board stated that Phinney Ave N is not a suitable location for a curbcut and garage access onto the site. The applicant should show options for placing the garage entrance at some point along N 61st Street, as in Scheme One.

<u>At the Initial Recommendation Meeting</u>, the Board discussed the proposed design for the corner elements in detail. In general, the Board concluded that the corners and floating balconies, specifically the corner at N 61st Street and Phinney Ave N, are problematic and need more design exploration. The corners are symmetrical on both sides, the north and south ends are similar and the canopy and cantilevered deck above are unresolved. Earlier design guidance strongly suggested that the corners deserve special treatment, and Board consensus is that the design does not reflect a satisfactory corner entry and does not visually ground the building well.

The Board added that the design for the two corners detract from the architecture of the building and creates an unpleasant transition at the corner. A retail entry with a balcony overhead is not a desirable design from the pedestrian perspective – there should be more separation between commercial uses at the ground level and residential uses above; each use needs more privacy and separation. The Board suggested that the applicants take cues from positive examples of corner treatment and transitioning that currently exists on Phinney Ridge and in other neighborhoods.

The proposed residential entry area on N 61st Street was also discussed at length. The Board wants the applicant to explore other location options for the residential entry and the walkway area on N 61st Street. A suggestion was that the residential entry could be pulled off N 61st Street and combined with the commercial space on Phinney Ave N in such a way that would be friendly and more inviting. This would enable the commercial space to extend around the street corner. The planter space along Phinney Ave N, shown between the commercial units, does not appear to be necessary to the design and could be removed to allow additional commercial space. The Board is concerned that the proposed upper shape of the building dictates how the retail space works at the street level, which limits the flexibility of the commercial space. The applicants should incorporate a strong (commercial) base in the entire design, and bring the building to the sidewalk along Phinney Ave N.

Board members agreed that the garage entrance should remain in the current location, along N 61st Street. The Board noted that the issue of access was extensively discussed at the EDG stage of design, and that, among other things, moving the garage entry from N 61st Street would constrict viable pedestrian and commercial frontage on Phinney Ave N.

The Board recommended the applicants develop lower eye-level street level elevations and 3-D sketches for the next recommendation meeting. The objective is to show more of what will truly be seen from a pedestrian standpoint.

For the benefit of members of the public, Board members explained that no off-street parking is required for commercial uses given the current design. The parking requirement is based on each individual space/business rather than the total provided commercial area, and since each of the commercial spaces is currently less that 1,500 sq. ft. in area, no parking is required.

At the Final Recommendation Meeting, the Board noted that while the two corners of the west façade remain symmetrical, the brick base has been extended upward to form the appearance of a two-story base creating greater separation of the residential balcony and the retail entry below. The balcony railings have been changed from cable to a more traditional metal picket type railing. The building design and materials now incorporates features found in more traditional buildings in the neighborhood such as concrete plinths and concrete window caps. The Board cautioned that, although these may traditional in nature, unless done well they will not stand the test of time.

The Board was pleased to see that the residential entry was relocated to the Phinney Ave N side between the two commercial spaces and recessed the required ten feet. The allows for a more viable and flexible commercial space at the corner.

The Board discussed at length the location of the garage entry and noted the neighborhood opposition to the location on N 61st. The Board concluded that given the Seattle Municipal Code development standard, the direction given by the Design Guidelines and their past recommendations on this issue [vehicle access] for other projects, they prefer to remain consistent with their many past recommendations in which they have disallowed driveway access from commercial arterials where the

pedestrian realm and sidewalk continuity is significantly interrupted. The Board agreed that locating the driveway access on Phinney Ave N would reduce the size and viability of any commercial space on the ground level and they also agreed that safety issues of locating the access on Phinney Ave N were equal or worse than locating it on N 61st.

A-3 **<u>Entrances Visible from the Street</u> – Entries should be clearly identifiable and visible from the street.**

Guidance and recommendations reflect the discussion in response to Guideline A-2.

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

Guidance and recommendations reflect the discussion in response to Guideline A-2.

A-5 **<u>Respect for Adjacent Sites</u>. 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.**

Guidance and recommendations reflect the discussion in response to Guideline A-2.

A-8 **<u>Parking and Vehicle Access</u> – Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

Guidance and recommendations reflect the discussion in response to Guideline A-2.

A-10 **<u>Corner Lots</u> – Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

Guidance and recommendations reflect the discussion in response to Guideline A-2.

B. Height, Bulk and Scale

B-1 **<u>Height, Bulk, and Scale Compatibility</u>. 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.**

At the Early Design Guidance Meeting, the Board directed the applicant to develop alternative massing and setback schemes to clearly show how the design will create a good Height, Bulk and Scale relationship to the east. At the next stage of design review, the applicant should present solar studies with shadow diagrams of the site and surrounding area.

At the Initial Recommendation Meeting, the Board discussed two key height, bulk, and scale items were discussed during the deliberations portion of the meeting: the upper level design along the east elevation; and the two stair tower elements.

The upper level on the east side of the building could be stepped back (i.e., at least approximately 10' on the east side at the upper level as suggested by nearby residents), but at this point the Board feels more information is needed. The Board questioned whether stepping the building back at the highest level would make a positive difference in shadow and privacy improvements for single family residences to the east. It could be that any combination of design changes might positively affect properties to the east, such as material changes at the top level, the addition of a distinct cornice, and/or stepping the building back. However, in order to make a decision one way or the other about stepping the building back further at upper levels, the Board wants the design team to study this issue in more depth and provide the following at the next recommendation meeting: (a) solar studies using solstice dates rather than equinox dates, (b) design studies that show the building stepped back at the upper level, and (c) different material choices and design options for the upper level(s).

The two tower elements above the main roof, on the north and south elevations, currently create too strong of a visual image. The massing of these elements should not dominate the roof, but should be softened and/or reduced. This could be accomplished by a change in the color and materials of the stair towers, by shifting the towers inboard and away from the sidewalk (on the north side), by designing a stronger base into which the tower(s) could land, by adding glazing on the landing, and/or by bringing the parapet height of the tower(s) down.

The Board noted that it would be beneficial, from the pedestrian standpoint, to shift the stairwell and tower along N 61st Street back, thereby improving the pedestrian connection from Phinney to the lobby. This connection should be open and visible at-grade. The Board feels that this would activate the street better along N 61st Street and break up the massive feeling of the building. The Board added that the expression of the stair as an architectural element is not helping the building at present.

There was discussion about setting the building back, at any level, along Phinney Ave N. Some members of the public felt that situating the bulk of the mass of the building along Phinney Ave N presents a "canyon effect" along the arterial. Board members concluded that there is significantly more value in setting the building back on the east side to offer a transition for single family residences, and no need to change the elevation along the west side.

<u>At the Final Recommendation Meeting</u>, the Board was pleased to see that the design of the upper (4th) level was further setback an additional four feet on the east façade providing more privacy for the adjacent neighbors. The solar studies provided as requested seemed inconclusive as to whether the additional setback resulted in any reduction of shadowing. However, the Board and the attendees appeared please with the result.

The reduction in the height of the north stair tower results in a more pleasing and less imposing design of the north façade. Because of building code requirements there appeared to be little that could be done to ameliorate the effect to the south stair tower. After considerable discussion of alternative design approaches the Board decided to recommend the design of the south stair tower as presented.

C. Architectural Elements and Materials

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.

At the Early Design Guidance Meeting, the Board stated that the types and quality of architectural elements and materials is particularly important in mixed-use structures. The Board wants to see conscious attention to design details and massing that clearly makes a good transition from commercial to residential use. This will go a long way in easing public concerns that the design of the structure is "too modern" for the Phinney neighborhood.

The Board wants to see the design maintain the current character that exists along Phinney Ave N as much as possible. This includes strong consideration for masonry materials at the ground level along both street frontages.

The Board agreed that vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. And as such, the Board stated that they would be inclined to grant a departure request that minimized such elements as driveway and curbcut width, and sight triangle standards that fall below normal code requirements.

<u>At the Initial Recommendation Meeting</u>, the Board found the materials palette, the varying heights of the building, and the numerous color exchanges appear to be too much for the relatively small scale of development and should be simplified and/or reduced. Board members agreed with public input and recommended the applicants combine the materials, add a stronger base, and create a greater simplicity of building form – reduce the volumes of weight and materials. Strong elements, such as a firm base and a continuous cornice line, are needed to tie the design together. The Board suggested, for example, removing the option of metal siding and replacing with wood grain, or, shifting to three primary elements along with an associated shift in massing.

The Board is concerned with the proposed color of the brick samples as being too dark. As a response to public input and as reflected in the neighborhood, the Board recommended the applicants work more with the color and detail of the brick material (lighter hues and tones of the masonry). Additionally, related to the detail of the brick material, the Board would like the applicants to expand the brick masses and massing with treatments that offer variety and interest, and offer a more transparent and cohesive treatment of the brick openings, such as expressed headers across windows, brick patterning, continuous cornice line with detail, etc. This is particularly needed with the north and south elevations.

The Board would like to see the design of the canopies along the streets be more welcoming, more accessible (transparent), and not one continuous flat element from end to end. The Board would also like to see the façade designed in a way that weathers changes over time; more open, more flexible, more adaptable for various types of tenants over time (i.e., roll-up doors, more openings, etc.). Board members offered that a more traditional building design would function better over time.

<u>At the Final Recommendation Meeting</u>, the Board was very pleased in the simplified palette of colors and materials. The design of the building now appears more substantial and attuned to neighborhood character. In response to neighbor comments, the Board recommended that the color palette on the east façade be reduced even further, eliminating the wood paneling in favor of a material the same color as the top level.

The canopies at street level are now glass in a metal frame increasing transparency and adding light to the storefronts. Removable concrete kick plates have been added to the commercial spaces to provide more flexibility for potential commercial tenants. Venting shafts are provided for each commercial space allowing for the possibility of restaurant tenants.

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.

Guidance and recommendations reflect the discussion in response to Guideline C-1.

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

Guidance and recommendations reflect the discussion in response to Guideline C-1.

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.

Guidance and recommendations reflect the discussion in response to Guideline C-1.

D. Pedestrian Environment

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.

At the Early Design Guidance Meeting, the Board noted that the applicant should avoid blank surfaces along both street frontages, and the south façade. Where unavoidable they should be treated with landscaping (i.e., trellising); material texturing; employing small setbacks, indentations, form-board patterns, or other means of breaking up the wall; or adding special lighting or overhead treatments.

Commercial and residential entryways should be sufficiently lighted, present safe and secure areas, and offer protection from inclement weather. The residential entry should be pronounced and clearly defined, distinct from commercial entryways. Strong consideration should be given to street level pedestrian-scaled signage, lighting, and street furniture.

Commercial spaces should be transparent and open to direct visual connection between pedestrians on the sidewalk and the activities occurring in the interior of a building. The applicant should show, in the updated design concept, maintaining the viability of the smaller retail spaces pattern along Phinney Ave North. Continuous overhead weather protection should be provided adjacent to all sidewalk areas.

At the Initial Recommendation Meeting, the Board members discussed, at length, the design of the residential entry. Board members would like the applicants to explore other options for placement and location of the residential entry and walkway area. The usable space for the residential area should be more people-oriented – more friendly and inviting. Board members suggested changes such as moving the residential entry to the southwest corner of the building, thereby allowing the commercial space to extend around the northwest street corner. The Board is concerned that the upper shape of the proposed building dictates how the retail space works at the street level, which limits the flexibility of the commercial space. The proposed design for the housing entry does not present a noticeable value to the building or the design.

Board members concurred that the vehicle entry should not be moved from N 61st Street. The Board noted that moving the vehicle entry onto Phinney Ave N, as suggested by members of the public, would further constrict viable pedestrian and commercial frontage on Phinney. The issue was extensively discussed at the EDG stage of design, and at the time the Board gave clear direction to maintain street level and commercial viability along the Phinney frontage. The Board also noted, however, that design detail along the N 61st Street needs further work.

The commercial viability of the spaces as designed along Phinney Ave N was discussed. The commercial storefronts should be designed in a friendlier manner, such as with more openings to the street, roll-up doors, etc., (as noted in the previous section). The Board encourages the applicants and developer to work with the community or the existing tenants to design viable commercial areas that provide retail spaces the community would like to see more of, such as restaurant uses.

The Board recognized strong public sentiment for a restaurant in the commercial space. The Board encourages the applicant to incorporate a dedicated shaft in the building for the possibility of restaurant-type uses at the street level. The shaft should extend from the commercial space to the roof for ventilation of a high fire-related exhaust shaft. The Board also stated that this issue is less a design related issue and more a land use issue.

At the Final Recommendation Meeting, the Board noted that the refined design includes the relocation of the residential entry to the Phinney Ave N façade and is recessed to provide additional privacy. This removes the necessity for a ramped entrance which presented problems for accessibility. The relocation increases the viability of the corner commercial space adding more transparency and flexibility for commercial tenants.

See above for discussion of the location of the vehicle access driveway.

As noted above, in response to neighborhood desire to see a restaurant(s) occupy the commercial space, the design now includes restaurant standard exhaust shafts to the roof to enable that use.

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.**

Guidance and recommendations reflect the discussion in response to Guideline D-1.

D-5 **Visual Impacts of Parking Structures. 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.**

Guidance and recommendations reflect the discussion in response to Guideline D-1.

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.**

Guidance and recommendations reflect the discussion in response to Guideline D-1.

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.**

Guidance and recommendations reflect the discussion in response to Guideline D-1.

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.**

At the Early Design Guidance Meeting, the Board The looked forward to reviewing a high-quality, well programmed and well landscaped residential amenity and right-of-way design. The design of the east side of the structure should be softened with setbacks and landscaping, and the Board wants the applicant to give strong consideration to the protection and retention of the existing vegetation to help mitigate adjacent privacy.

At the Initial Recommendation Meeting, the Board members supported the configuration of landscaping along both streets. Plantings should be continuous low level plantings, and the applicants should work with SDOT to determine the types of trees, whether coniferous or deciduous. (The Board noted that it is up to SDOT to determine whether coniferous trees should be planted in the public right-of-way. If the public is more interested in seeing conifers along the stretch of N 61st Street, SDOT should be consulted directly.)

Open space on the rooftop should shift to align more prominently along the west portion of the building to protect the privacy of eastern properties, to offer more sun exposure in the afternoon for rooftop patio users, and to locate residential noise closest to the noise of the arterial (Phinney Ave N). Board suggestions included mirroring the rooftop patio area in the greenroof module area, and/or including a public walk area around the rooftop. The priority, again, is to protect privacy along the east elevation.

At the Final Recommendation Meeting, In response to the Board's direction to consult with the Urban Forester responsible for the city's street trees, the landscape design now includes the following street trees: Norway Sunset Maples for Phinney Ave N and Katsura trees for N 61st which the Board agreed were appropriate choices for those locations.

The design of the rooftop patio area has now shifted more to the west to help protect the privacy of the neighbors to the east. The applicant noted that the green roof area is not to be used for recreation but is for stormwater collection.

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.

Guidance and recommendations reflect the discussion in response to Guideline E-1.

DEVELOPMENT STANDARD DEPARTURE

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

Non-residential street level requirements (23.47A.008.B.2.a.): The Code requires 60% of the street-facing façade between 2' and 8' above the sidewalk to be transparent. The applicant proposes 54% transparency on the façade adjacent to N 61st.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1 and A-6, as conditioned below, by providing trash collection on the façade further away from the commercial corridor at Phinney Ave N.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet and the materials shown and verbally described by the applicant at the September 14, 2009 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the three Design Review Board members recommended APPROVAL of the subject design and the requested development standard departure from the requirements of the Land Use Code (listed above). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. Work with the adjacent neighbor to the east to reach a solution agreeable to both parties with regard to the property line landscape screening. (A-5)
2. The color and material palette for the east elevation should be simplified, possibly by carrying the upper level green color to the lower levels. (B-1, C-1, C-2)
3. Find an alternative location for the garage exhaust that has less impact on the adjacent residential properties. (A-5, C-2)
4. Increase the detail on the concrete elements at the base and lintels. (C-1, C-2)

Response to Design Review Board Recommended Conditions:

1. The applicant has reached agreement with the neighbor to the east and proposes to plant bamboo or arborvitae at the shared property line, per an agreement mentioned in an email forwarded to DPD on March 9, 2010. This item has been satisfied.
2. The applicant modified the color and material palette on the east elevation, as shown in the MUP drawings for 3006773. This item has been satisfied.
3. The applicant modified the garage exhaust, as shown in the MUP drawings for 3006773. This item has been satisfied.
4. The applicant modified the base and lintels, as shown in the MUP drawings for 3006773. This item has been satisfied.

DECISION – DESIGN REVIEW

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

SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 27, 2009. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Environmental Health

Public comment indicated there was a potential history of soil contamination at the site, which was confirmed through a geotechnical sampling report (Geotech Consultants, Phase II Environmental Site Assessment, dated September 25, 2009).

Per SMC 25.05.675.F, the applicant has provided evidence of entering the Voluntary Cleanup Program with Washington State Department of Ecology. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials. No further mitigation is warranted.

Historic Preservation

The existing building on site is more than 50 years old. The Department of Neighbhoods reviewed the existing structure for potential historic landmark status and determined that it was unlikely to meet the standards for designation as an individual landmark (LPB 478/11). No mitigation is warranted per SMC 25.05.675.H.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

DETERMINATION OF NONSIGNIFICANCE

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☑ This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- ☐ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

CONDITIONS – DESIGN REVIEW

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting, and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 6-2009, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of a Building Permit

4. If the applicant intends to work outside of the limits of condition #5, a Construction Noise Management Plan shall be required, subject to review and approval by DPD.

During Construction

5. 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 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy 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 upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Signature: (signature on file) Date: December 19, 2011
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

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