



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

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

Application Number: 3008147

Applicant Name: Andrew Russin of Johnston Architects

Address of Proposal: 4750 Roosevelt Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six story, 60 units residential building with 5,000 sq. ft. of retail at grade. Parking for 44 vehicles will be located in below-grade garage. Review includes 6,870 sq. ft. demolition of existing structure (Tubs).

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review - Chapter 23.41, Seattle Municipal Code (SMC). Design Development Standard Departures.

1. SMC 23.53.035. Structural Building Overhangs to allow a wider horizontal projection at the roofline at the northwest corner.
2. SMC 23.47A.008D. Residential Street Level Requirement. To allow a residential entry 4 feet setback in lieu of 10 feet.

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

[X] DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The site is located at the southeast corner of NE 50th Street and Roosevelt Way NE in the University District. The 11,160 square foot site is zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3-65). The site is developed with a 1 ½ story building (formerly Tubs) situated on the southern portion of the site. There a surface parking lot located on the north portion of the site which is accessed from Roosevelt Way and the alley.

The site is located within the University District Northwest Urban Center Village and is just outside the Light Rail Station Area Overlay District.



Both abutting streets are improved 60 foot wide right of ways, and are designated as arterials. A 15 foot wide alley abuts the site on the east. With this project, a 5 foot alley dedication and 3 foot setbacks on both Roosevelt and 50th will be required for street improvement purposes.

The site is generally flat and comprised of entirely impervious surface. There are large mature street trees along Roosevelt Way NE and smaller street trees along NE 50th Street.

Surrounding property to the west across Roosevelt Way NE, to the east across the alley and to the south is zoned NC3-65. Property to the north across NE 50th Street is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). The zoning transitions to less intense multifamily Lowrise zones farther to the west and northeast.

Project Description

The proposed project consists of a 6-story building with 60 apartments, 5,857 gross square feet of street level retail and parking for 44 vehicles in 2 levels of underground parking. Access to the parking would be from the alley. The residential lobby is proposed to be near the southern portion of the façade along Roosevelt Way NE.

The streetscape design includes 20 to 60 foot deep storefront retail along both street facades; the parking access and ramping does not impede the retail depth. Floor to floor heights are proposed to be 14 to 16 feet.

The green factor is met primarily by providing a green roof, enhancement of the right of way planting strip, green walls, and planters on the roof deck.

Public Comment

Public notice was provided for the Design Review meeting that was held by the Northeast Seattle Design Review Board (DRB) for Early Design Guidance (EDG) and for a Design Review Board Recommendation meeting. Additional comment opportunities were provided at the time of Master Use Permit application.

DRB Early Design Guidance Meeting-January 7, 2008: six members of the public attended the meeting. The design-related comments expressed were that they liked massing scheme number 1 (the preferred scheme) which shows a “U” shaped building with a setback along the alley. Another

member of the public expressed a strong concern for use of the alley for access to parking for the project since his business uses the alley. He owns the car dealer abutting the site and feels traffic in the alley will be a mess. The alley is not wide enough. Closing the alley during construction is not an option in his opinion.

Notice of Application for Master Use Permit: further notice and public comment opportunity was provided as required with the Master Use Permit application. The comment period ended on May 14, 2008. No written comments were received.

DRB Recommendation Meeting- July 21, 2008: Five members of the public attended the meeting. The theme of the comments made pertained to the height, bulk and scale of the proposed building. The comments made requested that the DRB limit the bulk of the building because of the NC2-40 zoning on the north side of NE 50th Street and in deference to the lower scaled buildings adjacent (the Seattle Public Library, the Plaid Pantry, the fire station and the seven gables building). Some of the comments made were that the proposed building is a big brutal box, threatens neighborhood character, impacts open space to the west, need light and air at the street, create a soft transition, remove square footage from the top, don't build another helix, not the kind of project we want at this keystone corner, use better windows- vinyl windows are cheap, seven gables will be around for a long time, reduce the perceived or real bulk.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" and in the "University Community Neighborhood Design Guidelines". The University Community Neighborhood Design Guidelines are provided below in *italics* when applicable.

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-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

On mixed use corridors, primary business and residential entrances should be oriented to the commercial street. Secondary and service entries should be located off the alley, side street or parking lots.

A-7 Residential Open Space

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

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

Parking and automobile access should be located away from corners.

For new buildings located on a corner including, but not limited to the corner locations identified in Map 3 (page 9), consider providing special building elements distinguishable from the rest of the building such as a tower, corner articulation or bay windows. Consider a special site feature such as diagonal orientation and entry, a sculpture, a courtyard, or other device. Corner entries should be set back to allow pedestrian flow and good visibility at the intersection.

The Board supports multiple commercial entries in that too few entries could create a long streetscape that does not relate well to retail storefront modules in the neighborhood, like at the Seven Gables theatre across the street.

The Board wants the design to reflect or express some difference between the facades to acknowledge the hierarchy of the streets.

The Board supports the location of the residential entry on Roosevelt away from the intensity of NE 50th Street as presented.

In providing direction with respect to the corner, the Board feels a strong corner expression is appropriate and supports some step back at the ground floor. The Board discussed the idea of creating a symbolic entry at the corner and felt that it needed to be integrated in the design and is important in creating the “gateway” feature. The Board had mixed opinions about how the facades should meet at the corner. The presentation images showed two concepts, a more classical approach with two similar facades flanked by a strong corner element, and a more modern building with two differing facades that met at the corner. The Board concluded that the corner and façade expressions are very important and need to be studied. At the next meeting, the Board would like to see studies or analysis of this key corner.

The Board wants attention paid towards the development of the open space in that it is challenging to design open space on roof decks. The Board wants the design to include a comfortable usable space and consider creating a design solution to shield the roof deck from the weather.

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.

Although no single architectural style or character emerges as a dominant direction for new construction in the University Community, project applicants should show how the proposed design incorporates elements of the local architectural character especially when there are buildings of local historical significance or landmark status in the vicinity.

On Mixed Use Corridors, consider breaking up the façade into modules of not more than 50 feet (measured horizontally parallel to the street) on University Way and 100 feet on other corridors, corresponding to traditional platting and building construction. (Note: This should not be interpreted as a prescriptive requirement. Larger parcels may characterize some areas of the University Community, such as lower Roosevelt.)

When the defined character of a block, including adjacent or facing blocks, is comprised of historic buildings, or groups of buildings of local historic importance and character, as well as street trees or other significant vegetation (as identified in the 1975 Inventory and subsequent updating), the architectural treatment of new development should respond to this local historical character. New buildings should feature traditional materials or a combination of traditional and contemporary materials employed in a manner that reflects the character of historic buildings in the vicinity

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 façade 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.

New buildings should emphasize durable, attractive, and well-detailed finish materials, including:

- *Brick (especially appropriate).*
- *Concrete (if it features architecturally treated texture or color, other refined detailing, and/or complementary materials).*
- *Cast stone, natural stone, tile.*
- *Stucco and stucco-like panels, if they feature an even surface and properly trimmed joints and edging around doors and windows. Heavily textured finishes with obvious trowel marks are not generally appropriate. Stucco should be avoided in areas that are susceptible to vandalism and graffiti. Stucco and stucco-like panels must be detailed and finished to avoid water staining and envelope failure. Overhangs and protective trim are encouraged to increase weather resistance.*
- *Art tile or other decorative wall details.*
- *Wood, especially appropriate for residential structures.*

Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim

The materials listed below are discouraged and should only be used if they complement the building's architectural character and are architecturally treated for a specific reason that supports the building and streetscape character:

- *Masonry units. If concrete blocks (concrete masonry units or “cinder blocks”) are used for walls that are visible from a public street or park, then the concrete or concrete block construction should be architecturally treated in one or more of the following ways:*
 - Use of textured blocks with surfaces such as split face or grooved.*
 - Use of colored mortar.*
 - Use of other masonry types, such as brick, glass block, or tile, in conjunction with concrete blocks.*
 - Treated to avoid the gray “weeping” effect of wet concrete masonry.*
 - Provided with substantial wood or metal trellis and maintained vine planting such as flowering hydrangea vine, or other non-pest vine.*
 - *Metal siding. If metal siding is used as a siding material over more than 25% of a building’s façade, the metal siding should have a matted finish in a neutral or earth tone, such as buff, gray, beige, tan, cream, white, or a dulled color such as barn-red, blue gray, burgundy, or ocher. If metal siding is used over 25% of the building façade, then the building design should include visible window and door trim painted or finished in a complementary color and corner and edge trim that covers exposed edges of the sheet metal panels.*
 - *Wood siding and shingles except on upper stories or on smaller-scale residential projects.*
 - *Vinyl siding.*
 - *Sprayed-on finish with large aggregate.*
 - *Mirrored glass. This is especially inappropriate when glare could be a potential problem.*

Where anodized metal is used for window and door trim, then care should be given to the proportion and breakup of glazing to reinforce the building concept and proportions. Awnings made of translucent material may be backlit, but should not overpower neighboring light schemes.

Lights, which direct light downward, mounted from the awning frame are acceptable. Lights that shine from the exterior down on the awning are acceptable. Light standards should be compatible with other site design and building elements.

The following sign types are encouraged, particularly along Mixed Use Corridors:

- *Pedestrian-oriented shingle or blade signs extending from the building front just above pedestrians.*
- *Marquee signs and signs on pedestrian canopies.*
- *Neon signs.*
- *Carefully executed window signs, such as etched glass or hand painted signs.*
- *Small signs on awnings or canopies.*

Post mounted signs are discouraged.

The location and installation of signage should be integrated with the building’s architecture.

Monument signs should be integrated into the development, such as on a screen wall.

The Board wants the design to relate to the architectural context, particularly the Seven Gables building, and the library in some way but not necessarily in a traditional way. In other words, a modern interpretation is appropriate.

The Board wants the façade to be interesting and well articulated to break down the scale and provide human scale.

The Board specifically cautioned that if concrete is used at the retail level, then it should not be unfinished. The concrete should have texture or reveals as well as inset material, such as tile.

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.

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.

D-12 Residential Entries and Transitions

For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape that work to create a transition between the public sidewalk and private entry.

On Mixed Use Corridors, consider setting back a portion of the building to provide small pedestrian open spaces with seating amenities. The building façades along the open space must still be pedestrian-oriented. Pedestrian-oriented open spaces should meet the objectives below as well as the Citywide Design Guidelines. Required open space may be reduced up to 50% if a substantial amount of the street-level open space (on the order of at least 200 square feet), meets the following objectives:

- Plazas should be centrally located, on major avenues, close to bus stops, or where there are strong pedestrian flows on neighboring sidewalks.*
- Plazas should be sensitively proportioned and designed. For example: not more than 60 feet across and no more than 3 feet above or below the sidewalk.*
- Plazas should have plenty of benches, steps, and ledges for seating. For example: at least one linear foot of seating per 30 square feet of plaza area should be provided; seating should have a minimum depth of 16 inches.*
- Locate the plaza in a sunny spot and encourage public art and other amenities For example: at least 50% of the total frontage of building walls facing a plaza should be occupied by retail uses, street vendors, building entrances, or other pedestrian oriented uses.*
- Provide plenty of planting beds for ground cover or shrubs. For example: one tree should be provided for every 200 square feet and at a maximum spacing of 25 feet apart. Special precaution must be taken to prevent trees from blocking the sun.*

On Mixed Use Corridors, entries to upper floor residential uses should be accessed from, but not dominate, the street frontage. On corner locations, the main residential entry should be on the side street with a small courtyard that provides a transition between the entry and the street.

The Board wants the residential entry to have a transition from the street into the entry as indicated in the guideline and code requirements. The Board discussed the concept of recessed entries but cautioned that an outdoor space needs to be designed with safety in mind. As an alternative they suggested an indoor waiting area would be a good amenity.

The Board wants the blank wall on the east side at the base to receive design treatment and/or landscaping in that it will be visible for the foreseeable future. The Board wants the blank wall on the south side to receive design treatment and/or landscaping.

The Board supports a 3 foot setback on the south side in that it will provide opportunity for windows in the stair tower, and other design solutions to mitigate blank wall.

The Board wants overhead weather protection along all the street facades with the caveat that the canopies do not disturb the street trees. The Board feels that canopies will provide pedestrian comfort as well as break down the scale of the building.

At the next meeting, provide a concept for the commercial lighting and signage.

E. Landscaping

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.

The Board wants the right of way landscaping enhanced especially along NE 50th street to provide a better buffer from the traffic. The Board suggested using green screen or plantings to mitigate blank wall.

Summary of Design Review Board Recommendations

The applicant applied for the MUP (Master Use Permit) on March 14, 2008. After initial DPD design, zoning and SEPA review, the Design Review Board met on July 21, 2008 to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the public comments, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant.

The Board focused their deliberations on height, bulk and scale, the residential entry, the streetscape, the finish materials and the street landscaping.

The Board discussed the height, bulk and scale of the proposed design in light of the public comments. The Board discussed whether the design adequately responded or not to the transition between zones, NC2-40 north of NE 50th Street and NC3-65 and whether recommended changes to the design relative to height, bulk and scale were necessary. The Board concluded that the EDG provided was correct and that guideline B-1 should not be a high priority for this project site. The Board recommended no mitigation for height, bulk and scale; although, the Board did feel that the proposed design could provide more hierarchy between the facades and that the design is a little boxy.

The Board felt the design made subtle physical responses to address height, bulk and scale. The street facing facades are differentiated by a vertical modulation break in the massing along NE 50th Street. The Roosevelt Way façade is expressed as a long horizontal facade and the NE 50th Street facade is expressed as more segmented, narrow and tall. The Roosevelt façade is articulated with a checkerboard pattern of window bays.

The Board felt the finish materials were particularly important to break down the scale of the project and recommended that no substantive changes be considered to the palette of finish materials. The Board focused their recommendation on the corner element which includes

composite wood panels, aluminum windows and painted steel trim. The Board recommended that the use of the composite wood should be used for the soffit, particularly at the roof eave at the corner of NE 50th Street and Roosevelt Way NE in lieu of cementitious material (C-2 Architectural Concept and Consistency, C-4 Exterior Finish Materials).

The Board felt the design needed to provide more human scale at the base. The Board recommended adding a landscape element to the concrete and glass theme at the base. A good opportunity for this is provided in the 3 foot setback area between the sidewalk and the building. The Board also recommended that the concrete columns at the base be treated in some way, perhaps with stain or color (not paint) to soften the columns. Another suggestion included increasing the use of the mosaic tile proposed on the corner column.

The Board thought the residential entry needed to be better identified (A-3 Entrances Visible from the Street). The Board recommended that signage for the residential portion of the project be placed at the residential entry and that the attention to this detail be provided for in the design. The Board recommended that the design include other elements that would help signal residential entry like landscaping and furniture. The Board supported the departure for a reduced setback at the residential entry in that too large of an outdoor space in this neighborhood could create safety concerns by providing hiding places. The design includes a generous interior lobby with furniture which should create a secure environment for tenants.

The Board wants a concept sign plan to be designed for this project and recommended that the signage plan must meet the guidelines in the University District Design Guidelines (C-4 Exterior Finish Materials, D-9 Commercial Signage).

The Board wants a better buffer created between the busy NE 50th roadway and the sidewalk, and recommends additional planting strip be provided (E-3 Landscape Design to Address Special Site Conditions).

The Board recommended approval of the design with departures. The design proposes a prominent architectural corner element with open space at the ground and a tiled column at the corner (A-10 Corner Lot). Retail opportunity, overhead weather protection and transparency has been maximized, and as recommended the project will create a streetscape that meets the design guidelines (C-3 Human Scale, A-4 Human Activity, D-11 Commercial Transparency,). The roof deck proposes a small canopy that will provide minimal shelter from the weather (A-7 Residential Open Space). Blank wall has been minimized with the use of green screen and glazing on the south and east facades. The retail glazing is proposed to wrap into the alley.

Departure from Development Standards

The applicant identified the following code standard departures;

Code Requirement	Proposed & Rationale	Board Recommendation
<p>SMC 23.53.035. Structural Building Overhangs. The maximum length of each bay window in the public right of way shall be 15 feet, but requires the bay to angle back into the building on each end of the bay. The bay may only encroach to the full extent into the right of way for a length of 9 feet. Overhead horizontal projections of a purely architectural or decorative character, such as eaves are limited to 3 feet.</p>	<p>The design includes bays encroaching into the right of way that are square in lieu of bays with chamfered ends. The design as shown meets the code standard in that the square edges fit within the area of angled edges.</p> <p>The design includes a wider horizontal projection at the roofline at the prominent corner. The design shows the eave projecting 5 feet from the building along NE 50th Street.</p> <p>Wider eave is proposed to reinforce the vertical element at the corner along the north façade and break up the mass into smaller parts, and provide more of a prow at the corner.</p>	<p>The Board recommended approval of the wider eave based on the applicant’s rationale (A-10 Corner Lot). The Board recommended approval of the square bays if such a departure is needed because the bays as designed create a consistent building expression (C-2 Architectural Concept and Consistency).</p>
<p>SMC 23.47A.008D Residential Street Level Requirements. When a residential use is located on a street-level street-facing façade, either the first floor of the structure at or above grade shall be at least four (4) feet above sidewalk grade or the street-level façade shall be set back at least ten (10) feet from the sidewalk.</p>	<p>The proposed design shows the residential entry at grade and setback from the sidewalk by 4 feet 6 inches. The Board suggested at EDG that a secure lobby be designed because a large outdoor space could present a safety issue for tenants. The design provides a waiting area in the lobby.</p>	<p>The Board recommended approval based on the applicant’s rationale (D-7 Pedestrian Safety) and as conditioned to enhance the residential entry (D-1 Pedestrian Open Spaces and Entrances, D-12 Residential Entries and Transitions).</p>

Recommended Conditions

1. The Board felt the finish materials were particularly important to break down the scale of the project and recommended that no substantive changes be considered to the palette of finish materials. The Board focused their recommendation on the corner element which includes composite wood panels, aluminum windows and painted steel trim.
2. The Board recommended that the use of the composite wood proposed be used for the soffits, particularly at the roof eave at the corner of NE 50th Street and Roosevelt Way NE.

3. The Board recommended adding a landscape element to the concrete and glass theme at the base. A good opportunity for this is provided in the 3 foot setback area between the sidewalk and the building. Another suggestion included increasing the use of the mosaic tile used on the corner column
4. The Board also recommended that the concrete columns at the base be treated in some way, perhaps with stain or color (not paint) to soften the columns.
5. The Board recommended that signage for the residential portion of the project be placed at the residential entry and that the attention to this detail be provided for in the design.
6. The Board recommended that the design include other elements that would help signal residential entry like landscaping and furniture.
7. The Board wants a concept sign plan to be designed for this project and recommended that the signage plan meet the guidelines in the University District Design Guidelines
8. The Board wants a better buffer created between the busy NE 50th roadway and the sidewalk, and recommends additional planting strip be provided.

Director's Analysis

The Director concurs with the Design Review Board's recommendation to approve the proposed design with the above conditions. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 4, 2008 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation*". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition, grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise and traffic and circulation warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will need to obtain permits from PSCAA to ensure proper handling and disposal of materials containing asbestos or other hazardous substances. This will ensure proper handling and disposal of asbestos or other hazardous substances. PSCAA also recommends best management practices for demolition of structures without asbestos.

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts may be adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. Energy and transportation emissions are considered use-related impacts and are discussed later in this document.

No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

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. Many properties in close proximity 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 AM to 6 PM and Saturday from 9 AM to 6 PM.

Traffic and Circulation

Site preparation would involve removal of the existing building, asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Peak construction traffic at the site would occur during the excavation for the underground garage. An estimated 8900 cubic yards of material would be excavated. This material is assumed to expand to about 11,570 cubic yards when it is excavated and loaded into a truck (“fluff” factor of 1.3). Assuming that each dump truck with trailer can carry about 24 cubic yards of material, the excavation would generate a total of about 482 truck loads or 964 truck trips (482 empty trucks in and 482 full trucks out). A typical construction site can load 8 to 12 trucks per hour with a single loader, or about 100 trucks per day for an eight-hour day. Given that, the excavation would likely last a minimum of five days depending on the loading speed or construction sequencing.

Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site is near Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. Traffic control would be regulated through the City’s street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle’s Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Construction Worker Parking

Parking utilization along streets in the vicinity is high and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Some workers will carpool or bus into work. However, the workers could utilize on-street parking and exacerbate the demand for parking in the immediate vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers’ vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction and to make efforts to only utilize street parking on the streets abutting the site. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased impervious surface; increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increases in carbon dioxide and other greenhouse gas emissions; and increased light and glare.

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 detention 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 long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states in part, that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”*

Surrounding property to the west across Roosevelt Way NE, to the east across the alley and to the south is zoned NC3-65. Property to the north across NE 50th Street is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). All the adjacent property is under-developed and not built out to meet the current zoning envelopes. As referenced above, SEPA height, bulk and scale policy seeks to create compatible height, bulk and scale with “anticipated” development under the comprehensive plan, not existing development. Additionally, policy seeks to create “reasonable” transition between less intensive zoning and more intensive zoning. Policy limiting new development capacity to the scale of existing development would indirectly invalidate the current zoning. Property to the north is minimally less intense in that the base height limit is 40 feet and not 65 feet. The Land Use Code may allow structures with residential above a non-residential base to reach a height of 44 feet within the NC2-40 zones, and this is a common building typology throughout the city.

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines as well as the University District Design Guidelines. . Additionally, design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Traffic and Parking

The trip generation from the proposed building is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. The project consists of mostly residential dwelling units which only minimally contribute towards peak hour vehicle trips. Using average trip rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation* (7th Edition, 2003) for mid-rise residential the residential component of the project would generate 26 PM peak hour weekday vehicle trips (based on ITE 223). The commercial component of the project will not likely generate a substantial amount of trips because of the small amount of square footage proposed.

ITE data is typically collected in suburban locations with little or no access to transit. In this case, the site is an urban location that is well served by transit and will be located within walking distance to light rail.

The project proposes to provide 44 parking spaces and the code requires zero. The code requirement for parking aligns with City parking policy which generally discourages the creation of parking in an effort to lower the cost of housing and encourages non-auto forms of transportation. The creation of parking in urban centers is particularly discouraged because of the transit amenities usually present in urban centers. However, it is recognized that with the densification of the city that on street parking could become less available. Parking demand may not be met initially, but future demands for parking are expected to decrease over time.

The vehicle trips generated from the project are not expected to have adverse impacts on the street network, and proposed parking is expected to satisfy the future parking demand for the project. Thus, no SEPA mitigation is necessary.

Other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project.

The other impacts such as but not limited to, increased traffic in the area and increased demand for parking; increased demand for public services and utilities and increased light and glare; are mitigated by codes and/or are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

1. Revise plans to show composite wood on the roof soffits, particularly at the roof eave at the corner of NE 50th Street and Roosevelt Way NE.
2. Revise plans to show additional landscape elements at the ground level street facing facades.
3. Revise the plans to show concrete columns at the base treated with stain (not paint) or similar to soften the columns.
4. Revise the plans to show signage for the residential portion of the project at the residential entry.
5. Revise the plans to show other elements that would help signal residential entry like landscaping and furniture.
6. Provide a draft concept sign plan that meets the guidelines in the University District Design Guidelines.
7. Revise the plans to show a better landscape buffer between NE 50th roadway and the sidewalk.

Prior to issuance of construction permits (excluding grading, foundation or shoring)

8. Provide a sign plan that meets the guidelines in the University District Design Guidelines. Construction permits will not be issued until sign plan is approved by assigned Land Use Planner.

Prior to the Final Certificate of Occupancy

9. Install the applicable features described in condition nos. 4-6 above.
10. Use exterior finish materials as proposed including composite wood panels, aluminum windows and painted steel trim. Composite wood must be used for the roof soffits.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During Construction

11. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

12. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Bob McElhose 206-386-9745). Inspection appointments must be made at least three working days in advance of the inspection.

CONDITIONS SEPA

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

13. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction and to make efforts to only utilize street parking on the streets abutting the site.
14. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays¹ from 7a.m. to 6p.m. and Saturday from 9 a.m. to 6 p.m. 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 by the Land Use Planner 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.

¹New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

Signature: _____ (signature on file) Date: March 02, 2009
Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

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