



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018666
Applicant Name: Maria Barrientos
Address of Proposal: 4132 Brooklyn Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story structure containing 84 residential units. Existing landmark structure (4138 Brooklyn Ave NE) is to remain. All other structures (located at 4132 and 4128 Brooklyn Ave NE) to be demolished. No parking proposed.

The following approvals are required:

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

Development Standard Departure to allow a front setback less than the required 5' minimum. (SMC 23.45.518.B)

Development Standard Departure to allow a rear setback less than the required 10' minimum. (SMC 23.45.518)

Development Standard Departure to allow a side setback less than the required 7' minimum, 10' average. (SMC 23.45.518.B)

Development Standard Departure to allow a structure depth that exceeds the maximum of 75% of the depth of the lot. (SMC 23.45.528.b)

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

SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND INFORMATION

Location: The site is an interior lot located on the east side of Brooklyn Ave NE, between NE 42nd Street and NE 41st Street.

Zoning: Midrise Residential Commercial (MR-RC)

Parcel Size: 12,360 square feet.

ECAs: None.

Site Development

The site contains three single family homes. The site slopes up approximately 13 feet from the southeast corner to the northwest corner.

The site currently contains a City of Seattle Landmark structure, the Parsonage. The project proposal will maintain, relocate and renovate the existing landmark structure consistent with approval from the Department of Neighborhoods.

The subject property has vehicular access via three curb cuts on Brooklyn Ave NE. A north-south alley abuts the site to the east.

Surrounding Development and Neighborhood Character

The subject site is located midblock on the east side of Brooklyn Avenue NE between NE 41st and NE 42nd Street. Brooklyn Avenue NE serves as a collector arterial along the north south axis traveling through the University District one block west of University Avenue.

Along Brooklyn Avenue NE, the zoning is varied. The subject sites and sites directly south are zoned Midrise Residential Commercial (MR-RC). Sites to the north and west are zoned Neighborhood Commercial with a 65 foot height limit (NC3-65). The University Way corridor sites also contain a Pedestrian Overlay. Sites to the west are zoned Midrise (MR). South of NE 41st Street and East of 15th Avenue NE the zoning transitions to a Major Institution Overlay for University of Washington.

The structure to the north, the University Methodist Episcopal Church, is a City of Seattle Landmark. The landmark structure contains a variety of small commercial spaces and a religious institution.

To the south and west of the subject lot are existing multifamily apartment buildings. Brooklyn Avenue NE is largely characterized by student housing given the proximity to the University of Washington. The majority of structures are 3-5 story apartment buildings of similar width and proportion. The majority of materials are concrete, masonry or brick.

To the east, across the alley are one and two story commercial structures along University Way NE the major pedestrian corridor for the district containing human services, restaurants, shops and transit services.

Brooklyn Avenue NE serves as a residential corridor. Uses are largely small neighborhood commercial shops and student housing.

The subject lot is located with the University District Urban Center and the NE 45th Street Station Area Overlay District.



Public Comment:

The public comment period ended on May 24, 2015. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to water and drainage, sewage, construction impacts, and alley circulation impacts. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE February 9, 2015

DESIGN DEVELOPMENT

The packet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at Seattle DCI:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

The following comments, issues and concerns were raised during the public comment portion of the Early Design Guidance meeting:

- Would like to see the edges of the building softened to appear less bulky.
- Expressed support for setback departures in order to provide space between the landmark building and the proposed structure.
- Concerned about the rear setback departure request's impact on the alley. Noted alley is very narrow and is used by large trucks for deliveries for solid waste and recycling storage space.
- Concerned about lack of parking provided.
- Would like to have developer contact and work with local businesses.
- Concerned about loss of daylight/sunlight to the stained glass windows in the landmark church.

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 & Neighborhood specific guidelines (as applicable) of highest priority for this project.

EARLY DESIGN GUIDANCE February 9, 2015:

- 1. Massing and Courtyard Design.** The Board unanimously supported the preferred massing option 3 which included a larger courtyard separation between the landmark Parsonage structure and the new proposed structure. The Board noted that the preferred massing option was also supported by the Architectural Review Committee for the Landmarks Preservation Board. The Board directed that the preferred massing alternative, with the central courtyard, be developed with the following guidance:

 - a) The courtyard should be developed as part of the entry sequence into the Parsonage and the courtyard should function as an alternative entry point for residents and visitors (CS2-B2, PL-B, PL3-A, PL1-I, PL3-I).
 - b) The ADA ramp acts as an obstacle for entry to the courtyard. At the Recommendation Meeting, the applicant should demonstrate how pedestrians and bikes can access the courtyard by the ramp without going through the Parsonage. The Board suggested adding steps from the ramp landing to the courtyard as a potential solution (CS2-B2, PL-B, PL3-A, PL1-I, PL3-I).
 - c) The courtyard should be developed as one large courtyard space, or read as one large space, rather than being divided into multiple smaller spaces for private use by ground level residents (PL1-I, PL3-I).
 - d) At the Recommendation Meeting, the applicant should demonstrate how the courtyard design is welcoming, cohesively designed, and activated by residents. Additional detail should include information about bike access and storage, landscaping, safety and security (PL1-I, PL3-I).
 - e) The Board supported the applicant's intention to provide daylight access to the basement of the Parsonage to provide bike parking. At the Recommendation Meeting, the applicant should demonstrate how bikes access the storage location from Roosevelt (PL4-B).

- 2. Alley Design and Rear Setback Departure Request.** The Board expressed concern about the rear setback departure request. The Board requested additional analysis demonstrating how the existing and proposed alley functions would be accommodated by the future building design.

 - a) The Board requested an analysis showing how existing and proposed solid waste and recycling, truck loading and unloading for commercial uses, and vehicular traffic along the alley will function with the new proposed building and reduced setback (CS2-D, DC1-C).
 - b) The building and rear setback must be sensitive to the existing alley condition and provide a buffer between ground level residential units and the alley (CS2-D, PL3-B, DC1-C).
 - c) The Board will review future rear setback departure requests once the additional analysis is provided. The Board indicated support for a reduced rear setback departure request. To relieve the tight programming on the alley the Board indicated support for additional massing at the upper level along the street, or alternatively, an increased ground level setback with upper level cantilever on the alley (CS2-D, DC1-C)
 - d) The Board supported the applicant's intent to work with the adjacent church to co-locate solid waste and recycling storage space location (DC1-C).
 - e) At the Recommendation Meeting, the applicant should demonstrate how tenants will stage moving in and out of the structure (DC1-C).

- 3. Relationship to the Church.** The Board expressed support for the inspirational images provided with in the Early Design Guidance packet (pages 22-23) and the applicant's stated intention to create a clean modern structure next to the historic landmarks structure. The Board agreed the new building should not attempt to recreate the landmark structure.
- a) At the Recommendation Meeting the applicant should demonstrate natural light impacts to the church's stained glass window has been minimized by the proposed development (CS2-D5).
 - b) At the Recommendation Meeting, the applicant should provide additional detail on whether the Architectural Review Committee has approved the removal of the chimney on the historic structure (CS3-A1).

RECOMMENDATION August 31, 2015

DESIGN DEVELOPMENT

The packet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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PUBLIC COMMENT

- Felt that the departures were not better meeting the intent of the design guidelines, and that the overall design was not improved through the departures. Expressed concern that the departure requests were based on gaining FAR. Noted that the landmark structure may not have been allowed to be demolished.
- Did not support the departure for the front setback, noting that the size of the courtyard is substantially short of the requirement to achieve a zero-lot line setback.
- Did not support the rear setback departure, noting the impact on the alley.
- Did not support the departures for the side setback, noting that the adjacent buildings which do not setback are shorter in height.
- Felt that the lot depth departure could be eliminated by resizing the units.
- Felt the proposed design does not strive to minimize bulk and height.
- Suggested the use of a cornice or parapet, or other traditional detailing that would help the design relate to the context.
- Felt the proposed design does not adequately relate to the character of adjacent historical structures.
- Supported the use of brick, and suggested additional detailing or articulation of the brick façade to incorporate datum lines to connect to relate to adjacent facades.
- Did not support the use of cementitious panel on the west building.

PRIORITIES & BOARD RECOMMENDATIONS

FINAL RECOMMENDATIONS: AUGUST 31, 2015

The Board was very pleased with the proposed design and its progression since the last meeting, and felt that the major concerns at EDG had largely been resolved. The Board agreed that the design was attractive and contemporary, while respecting the neighborhood character and the landmark structure located on site. The Board appreciated the massing concept, which featured a smaller, brick-clad building (street-side building) along Brooklyn Ave at the south end of the site separated from the Parsonage by an interior courtyard. A wider, more subtly finished building (rear building) in beige acts a backdrop to the Parsonage, courtyard and the brick structure. In addition to these features, the Board also agreed that the reconfiguration of the courtyard and circulation was an appropriate response to the programming and character of the streetscape.

The Board appreciated the studies on how the massing and composition were developed and offered further guidance on the following items regarding façade articulation and composition:

1. **Street Side Building (West Elevation):** The Board noted that the brick structure reads as a strong volume with simple lines, but needs additional articulation and depth within the volume to break down the height, bulk, and scale and impart a residential character to the building. (CS2-D, CS3-A, DC2-A, DC2-B, DC2-D)
 - a. The Board noted that because the building does not have an entry feature along the street, it appears to look more like the side of a building than the front. Thus, the street-facing façade requires additional articulation to relate to the streetscape and announce itself as a residential structure. (CS2-B, CS2-D, DC2-B)
 - b. The established cubic pattern is rigid, with no interruption of an entry way. The Board recommended that tertiary scales of detailing be incorporated within the existing window groupings and larger symmetry of the design concept to add an element of playfulness and fine-grained detail. The Board noted that this approach would help the design relate to the established personality of the University District. (CS3-A, DC2-B, DC2-D)
 - c. Alternatively, the Board suggested exploring revising the pattern of the materials used for the spandrels so that the groupings of windows are regrouped to read as a 1-2-2-1 (in rows, from top to bottom). (CS3-A, DC2-B, DC2-D)
 - d. The Board also specified that the color of the white windows on the south façade of the building abutting the street should be revised to the same hue as the other facades of that building. (DC2-B)
2. **Rear Building.**
 - a. The Board expressed concern about the visibility of the large monochromatic east façade as viewed from University Way, and recommended that the massing be further broken down to reduce the perceived bulk and scale. To this end, the Board recommended a condition that the protruding bay be clad in a different color to reduce the perceived bulk and scale. (CS2-A, CS2-B, CS2-D, DC2-B)
 - b. The Board recommended Option A (p. 67) for the joint pattern on the north façade, noting that the change in pattern relates to the shift in plane, and works to break down the bulk and scale of the monochromatic façade. (DC2-B, DC2-D)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below. For the full text please visit the [Design Review website](#)

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-B Sunlight and Natural Ventilation

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-D Height, Bulk, and Scale

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

University Supplemental Guidance:

PL1-I Residential Open Space

PL1-I-i. Active, Ground-Level Open Space: The ground-level open space should be designed as a plaza, courtyard, play area, mini-park, pedestrian open space, garden, or similar occupy able site feature. The quantity of open space is less important than the

provision of functional and visual ground-level open space. Successfully designed ground level open space should meet these objectives:

- a. Reinforces positive streetscape qualities by providing a landscaped front yard, adhering to common setback dimensions of neighboring properties, and providing a transition between public and private realms.
- b. Provides for the comfort, health, and recreation of residents.
- c. Increases privacy and reduce visual impacts to all neighboring properties.

PL1-I-ii. Central Courtyards: A central courtyard in cottage or townhouse developments may provide better open space than space for each unit. In these cases, yard setbacks may be reduced if a sensitive transition to neighbors is maintained.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

University Supplemental Guidance:

PL3-I Entrances Visible from the Street

PL3-I-ii. Walkways Serving Entrances: In residential projects, except townhouses, it is generally preferable to have one walkway from the street that can serve several building entrances. At least one building entrance, preferably the main one, should be prominently visible from the street. To increase security, it is desirable that other entries also be visible from the street; however, the configuration of existing buildings may preclude this.

PL3-I-iii. Courtyard Entries: When a courtyard is proposed for a residential project, the courtyard should have at least one entry from the street. Units facing the courtyard should have a porch, stoop, deck or seating area associated with the dwelling unit.

PL3-I-iv. Fences: In residential projects, front yard fences over 4 feet in height that reduce visual access and security should be avoided.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-C Parking and Service Uses

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-C Secondary Architectural Features

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. 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.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

University Supplemental Guidance:

DC4-I Exterior Finish Materials

DC4-I-i. Desired Materials: See full Guidelines for list of desired materials.

DC4-I-iii. Discouraged Materials: See full Guidelines for list of discouraged materials.

DC4-I-iv. Anodized Metal: 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.

DC4-I-v. Fencing: Fencing adjacent to the sidewalk should be sited and designed in an attractive and pedestrian oriented manner.

DC4-I-vi. Awnings: 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.

DC4-I-vii. Light Standards: Light standards should be compatible with other site design and building elements.

DEVELOPMENT STANDARD DEPARTURES

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

At the time of the Recommendation meeting, the following departures were requested:

- 1. Front Setback (SMC 23.45.518 Table B):** The Code requires a 7 foot average, 5 foot minimum setback. The applicant proposes a setback of 6' minimum, 4'-7" average.

The Board recommended approval of the departure. The Board noted that the Code allows for a 0' set back if a ground-level courtyard is provided with a street frontage of at least 36' and a depth of 20', and that the applicant is providing a space that exceeds the total square footage, but with a street frontage of less than the required 36'. The Board recommended that

this configuration of the open space is meeting the intent of the Code, and allowing more light and air (**CS1-B Sunlight and Natural Ventilation**) to the landmarked structure than the Code would require. The Board agreed that breaking the space up with the courtyard reduces the bulk and scale of the mass (**CS2-D Height, Bulk, and Scale**), and creates a more appropriate relationship with the adjacent historic structure. However, due to the minimal front setback, the Board placed conditions on the departure to reduce the scale and bulk of the building at the street by adding additional articulation and depth to the façade (**DC2-A Reducing Perceived Mass and DC3-A Building-Open Space Relationship**).

2. **Rear Setback (SMC 23.45.518):** The Code requires a minimum 10 foot setback along a rear lot line abutting an alley. The applicant proposes a setback 6'-5" setback along the alley.

The Board recommended approval of the departure. Additional analysis was presented by the applicant demonstrating the existing and proposed alley conditions as requested by the Board at the Early Design Guidance meeting. The Board noted that the maneuverability of the alley did not appear to be affected, and the design still allowed adequate space to screen the ground-floor units from the alley. In addition, the Board appreciated combining the trash storage area with the adjacent church to minimize the footprint in the alley (**CS1-B Sunlight and Natural Ventilation**). The Board agreed that the departure better meets the intent of the design guidelines in regards to minimizing height, bulk and scale, as allowing the mass to shift into the rear setback allows for a greater separation between the historic landmark and for the portion of the massing fronting on Brooklyn to be reduced by one story (**CS2-D Height, Bulk, and Scale**). In addition, the departure allows for additional modulation on the east façade, visible from University Way (**DC2-A Reducing Perceived Mass and DC3-A Building-Open Space Relationship**).

3. **Side Setback (SMC 23.45.518 Table B):** The code states for portion of a structure above 42 feet a 7 foot minimum, 10 foot average setback shall be provided. The applicant proposes a 7'-1" average setback on the south and south property line.

The Board recommended approval of the departure. The Board noted that the massing of the southwest portion of the building had been lowered by one floor, and that the intent to reduce the height, bulk and scale was better achieved through this strategy. In addition, the resulting design, without a "stepping" of the façade, is similar in massing to similar styles of buildings in the immediate context (**CS3-A Emphasizing Positive Neighborhood Attributes**). Requiring the step-backs would diminish the strength of the architectural concept and design dialogue between the street side building and the Parsonage (**CS1-B Sunlight and Natural Ventilation, CS2-D Height, Bulk, and Scale and DC2-C Secondary Architectural Features**).

4. **Structure Depth (SMC 23.45.528.B)** The Code requires that the depth of a principal structure shall not exceed 75% of the depth of the lot, with some exceptions. The applicant proposes a structure depth of 97'-8", approximately 95% of the lot depth.

The Board recommended approval of the departure, noting that the shift in massing is a result of providing the courtyard space. The intent of the code to reduce bulk is better achieved by breaking down the massing on the south façade, reducing the height of the street side building, and incorporating the courtyard at the street front. The Board noted that the landmarked building is already being shifted westward, and that denying the departure would

greatly diminish the courtyard space and the relationship among the structures. (**CS2-D Height, Bulk, and Scale, PL1-I Residential Open Space, DC2-A Reducing Perceived Mass, DC3-A Building-Open Space Relationship, DC3-B Open Space Uses and Activities**).

BOARD RECOMMENDATION

At the conclusion of the Final Recommendation meeting, the Board recommended approval of the project with conditions.

The recommendation summarized above was based on the design review packet dated August 31, 2015, and the materials shown and verbally described by the applicant at the August 31, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the project design with conditions, listed below.

1. Revise the composition of the west façade to incorporate a tertiary scale of detailing within the existing window groupings and larger symmetry of the design concept to add an element of playfulness and finer-grained detail to interrupt the rigidity of the cubic pattern and better relate to the streetscape as a residential structure.
2. Revise the color of the protruding bay on the east façade of the building abutting the alley to a complementary color that relates to the established design language and reduces the perceived bulk and scale.
3. Revise the color of the white windows on the south façade of the building abutting the street to the same hue as the other facades of that building.
4. Update the plans to reflect Option A (p. 67) for the joint pattern on the north façade, that shows a change in pattern that relates to the shift in plane, and works to break down the bulk and scale of the monochromatic façade.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the Seattle DCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or

- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the following conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on August 31, 2015, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, Seattle DCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to Recommended Design Review Condition:

1. The west and south facades have been revised to incorporate vertical purple bands at the southwest corner. The south façade also incorporates a belly band at the transition between the concrete base and the brick cladding.
2. The color of the fiber cement panel on the protruding bay on the west façade has been revised to "Graphite."
3. The white vinyl windows on the south façade of the portion of the structure abutting the street have been revised to "Architectural Bronze."
4. The plans have been revised to incorporate the joint pattern on the north facade presented as Option A on P.67 of the Recommendation Packet.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of Seattle DCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DECISION – DESIGN REVIEW

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

II. ANALYSIS - 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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 3/20/2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or its agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Washington State Department of Ecology regulations require mitigation of significant environmental contamination impacts, consistent with Model Toxics Control Act requirements. Under such limitations/circumstances, mitigation can be considered.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Compliance with applicable codes and ordinance will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Construction Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.”

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Construction 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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Midrise zones. If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request.

A Construction Management Plan will be required, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Long –Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions; historic and cultural preservation; height, bulk and scale; traffic and transportation; and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore, no further mitigation is warranted.

Parking and Traffic

The proposed development includes 84 residential units with no off-street vehicular parking spaces. The traffic and parking analysis¹ indicates a peak demand for a maximum of 30 vehicles from the proposed development. Peak residential demand typically occurs overnight.

¹ *Traffic Generation and Parking Analysis*, by Heffron Transportation, Inc., 2 June 2015.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 63 % within 800' of the site. The proposed development peak demand of 30 parking spaces would not be accommodated by any off-street parking spaces in the development, resulting in a spillover demand for 30 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 73%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 76 % within 800' of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in Urban Centers. This site is located in the University District Urban Center. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Height, Bulk & Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Historic Preservation

The existing structure(s) on site are more than 50 years old. Two of the structures at 4128 and 4132 Brooklyn Ave NE were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 125/15).

The site also includes a designated City of Seattle historic landmark. Modification to this landmark requires a Certificate of Approval from the Landmarks Preservation Board, prior to MUP issuance. The applicant has applied for this Certificate and is proceeding through the Landmarks Board review and process, per the requirements of the Landmarks Preservation Ordinance.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Transportation

The Traffic Impact Analysis² indicated that the project is expected to generate a net total of 210 daily vehicle trips, with 21 net new PM Peak Hour trips and 16 AM Peak hour trips.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be well within the adopted standards for the identified areas. The Seattle DCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

DECISION - STATE ENVIRONMENTAL POLICY ACT (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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(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.

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.

DESIGN REVIEW - CONDITIONS OF APPROVAL

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 subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Katy Haima, katy.haima@seattle.gov).

² *Traffic Generation and Parking Analysis*, by Heffron Transportation, Inc., 2 June 2015.

2. The applicant shall provide a landscape certificate from Director's Rule 30-2015, 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 (Katy Haima, katy.haima@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 (Katy Haima, katy.haima@seattle.gov).

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

4. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

During Construction

5. The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

Katy Haima, Land Use Planner
Seattle Department of Construction and Inspections

Date: February 1, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.