



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: 3019953
Applicant Name: Adrienne Watkins, Weinstein A+U
Address of Proposal: 1319 NE 65th Street

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-story, 41 unit apartment building with 1,320 sq. ft. of commercial space located at ground level. Parking for eight vehicles is to be provided. Existing single family structures to be demolished.

Design Review (Seattle Municipal Code 23.41)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

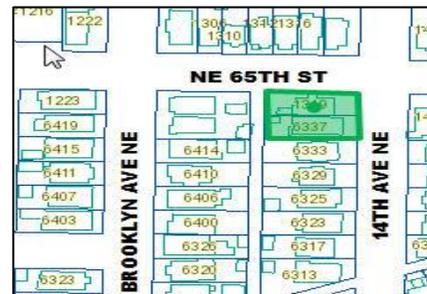
SEPA DETERMINATION:

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.

SITE AND VICINITY

Site Zone: Neighborhood Commercial 1, Pedestrian designation, 40' height limit (NC1P-40)



Nearby Zones: Neighborhood Commercial 2, Pedestrian designation, 65' height limit (NC2P-65) (North)
Single Family 5000 (SF 5000) (South)
Neighborhood Commercial 2, Pedestrian designation, 40' height limit, (NC2P-40)(East)
NC1P-40 (West)

Environmentally Critical Areas (ECA): None

Site Size: 8,624 Square Feet (sq. ft.)

Site Characteristics & Surrounding Development: The project site consists of two parcels, each containing a wood-framed single family structure built in the early 20th century.

The proposed development is on the southwest corner of NE 65th Street and 14th Ave NE and is located within the Roosevelt Residential Urban Village. The site is also located in the Roosevelt Station Overlay District due to its proximity to the future Roosevelt Light Rail Station, located approximately two blocks west of the site.

The development directly south of the site consists primarily of brick and wood-framed single family residential structures built in the early 20th century. Fourteenth Ave NE is residential in character with planted medians, traditional bermed front yards, and front yard setbacks consistent with single family residential development.

Development to the north, east, and west of the site is a mix of single family residential structures, low-rise commercial development with surface parking, and some larger traditional and contemporary medium-density residential and mixed-use development to the west near the NE 65th St and 12th Ave NE intersection. This intersection is located approximately one block west of the site and marks the eastern edge of the Roosevelt Neighborhood commercial core. This area is in transition and undergoing redevelopment related to the future light rail station that is currently under construction.

Roosevelt High School is located one block north of the project site. Cowen and Ravenna Parks are located approximately two blocks to the south.

DESCRIPTION OF PROPOSAL: The applicant is proposing a four story, 41 unit apartment building with 1,320 sq. ft. of commercial space located at ground level and parking for eight vehicles. The proposal includes demolition of the existing single family structures.

Vehicular access to the site is proposed from an adjacent, gravel alley to the west of the site. The primary pedestrian entries to the site are proposed from NE 65th St with secondary ingress/egress from 14th Ave NE.

PUBLIC COMMENT: The public comment period commenced on September 21, 2015. Multiple public comments were received related to parking, traffic, alley conditions, protection of the natural environment and existing trees and vegetation, massing, height, bulk, and scale, zone transition, privacy, architectural compatibility, blank walls, rooflines, landscaping and screening, long-term maintenance and longevity of landscaping, construction related impacts, utilities, street trees, run off, air quality, solid waste storage and servicing, garage access, safety and security, pedestrian circulation, shadow impacts, and density.

I. ANALYSIS – DESIGN REVIEW

DESIGN PROPOSAL

The Early Design Guidance (EDG) and Design Review Recommendation Design Proposal booklets include materials presented at the EDG and Recommendation meetings and are available online by entering the project number at this website:

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

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

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

Email: PRC@seattle.gov

EARLY DESIGN GUIDANCE MEETING July 13, 2015

PUBLIC COMMENT

At the Early Design Guidance meeting, several members of the public were present. Speakers raised the following issues:

- The large height, bulk, scale, and density of the proposal adjacent to the existing single family neighborhood is incompatible.
- Longevity and vibrancy of the proposed landscape buffer along the southern edge would be extremely important and long term maintenance responsibilities needed to be clearly defined.
- Privacy of the adjacent home and outdoor space, specifically the potential privacy impacts related to the 2nd story balconies was a concern. The proposed landscape buffer may not be adequate.
- 14th Ave NE is quiet and residential in nature.
- Trees along 14th Ave NE are mature and proposed street trees should be larger caliper.

- Additional stepping in the massing is needed to better transition to the adjacent single family scale.
- Of the three options presented, the applicant's preferred option was the best; Option 1 would be the least successful.
- It was difficult to understand the proposed setback at the southeast corner along 14th Ave NE.
- There was a lack of space for outdoor seating area for the proposed retail use and any proposed outdoor seating would likely create conflict with pedestrian movement.
- The sheer four story volume of the south façade was concerning and additional stepping along the southern façade may be a solution to help soften the zone transition.
- Questioned how trash collection would work.
- Would like to see the entire alley could be improved/paved.
- The blank wall, lack of transparency, and lack of active uses at the ground floor along 14th Ave NE was problematic and additional activity at this location, that respected the residential nature of 14th Ave NE, was needed.
- The site would be a pioneering site because it is the first in this area of Roosevelt and would set a precedent for new mixed use and retail in the neighborhood.
- The accessible outdoor amenity space relative to the number and size of units may not be adequate. More information on the design of the roof top amenity space was needed.

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.

EARLY DESIGN GUIDANCE MEETING July 13, 2015

1. Zone Transition & Height, Bulk, & Scale:

- a. The Board discussed the three massing options presented at EDG and expressed unanimous support for the applicant's preferred option. The double-loaded corridor with gaskets at each end providing natural light was successful and should be maintained. **(CS2-D-1, DC2-A, DC2-C-2)**
- b. The Board noted the relative constraints due to the size of the site zone transition and acknowledged that the private terraces on the second level of the preferred option provided some setback and scale transition to the neighboring single family residential and that they should remain. **(CS2-D-3, CS2-D-4, CS2-III-I, CS2-III-iii)**
- c. The Board expressed concern with the perceived scale and "looming presence" of the building adjacent to the single family neighborhood and directed the applicant to explore creative solutions to screen views from upper level units and incorporate strategies to minimize the perceived mass and leering quality along the south façade of the building. Some examples may include window placement and size, strategically placed window awning or fins, or lowering the parapet. **(CS2-D-3, CS2-D-5, CS2-III-I, DC2-A-2, DC2-C-2)**

2. Privacy/Landscape Screening/Respect for Adjacent Sites:

- a. The Board supported the depth of the terraces and directed the applicant to provide additional information on the terrace layout. **(DC3-B-1, DC3-B-4, DC4-D)**
- b. The Board recognized the potential negative impacts of the south facing outdoor terraces on the neighboring properties to the south and directed the applicant to demonstrate how these spaces will be a successful buffer and respect the privacy of the adjacent uses. The applicant should provide cross sections with sightlines, perspectives, and renderings specifically showing what these spaces will look like from the existing private garden to the south. **(DC4-D-3, DC2-C-3, CS2-III-I, CS2-D-5)**
- c. The applicant must demonstrate how the proposed landscaping will remain successful and vibrant over time, providing details on the landscaping including installation and a long term maintenance plan for both the terrace landscaping and landscaping at grade (along the property line and potentially on the adjacent property north of the fence). **(DC4-D-3, DC2-C-3, CS2-III-I, CS2-D-5)**

3. 14th Avenue NE Streetscape:

- a. The Board discussed the blank wall along 14th Ave NE and recognized that while it did have the potential to act as a transition between the proposed commercial space and single family residential neighborhood, some activity at this location was needed to mitigate the negative impacts of the blank façade at the ground level. The Board directed the applicant to explore a secondary lobby or entrance at this location. This could be a more quiet entry but should still be inviting. The Board stated support for removing one parking space to enhance a secondary entry at this location. **(CS2-D-3, DC1-C-4, DC2-B-1, DC2-B-2, DC2-C-all, DC4-A-1)**
- b. The Board requested additional information on the rationale for garbage at the 14th Ave NE location as proposed in the applicant's preferred option as opposed to the alley. For the next meeting, the applicant should explore if alternative solid waste storage could be located adjacent to the alley or internally, within the parking garage. The applicant should provide additional detail on the garbage including dimensions, screening, and functionality. **(DC1-C-4, DC4-A-1, DC2-B-1&2)**

4. NE 65th Street Streetscape & Alley:

- a. The Board supported the 4' setback at street level along NE 65th St shown in the applicant's preferred option and stated a preference for street trees over additional weather protection, noting that trees would help to provide some weather protection and buffer for the residential units oriented toward NE 65th St. **(PL2-C-1-all, PL3-I-i, DC2-C-2, DC4-D-3)**
- b. The Board supported the bays along NE 65th St stating they would provide additional overhead weather protection beyond the 4' building overhang. The spacing and rhythm of the bays alternating with the tree canopy would provide adequate weather protection and should be included in the final design. **(PL2-C-1-all, DC2-C-2, DC4-D-3)**
- c. For the next meeting, the applicant should provide additional information on the siting of the residential entry, solid waste storage area, and alley. **(PL3-C-1, PL4-C-1, DC1-C-4)**

RECOMMENDATION MEETING March 28, 2016

PUBLIC COMMENT

At the Recommendation meeting, several members of the public were present. Speakers raised the following issues:

- Appreciated the applicant coordinating with the adjacent property owner.
- Supported the materials and reduction in overall height.
- Would prefer the garage have a solid door with controlled access and safety features incorporated, such as a warning sound when vehicles exit to minimize conflicts.
- The rooftop amenity space appeared to have been shifted south closer to the edge since EDG and would like it to be more centered.
- Supported the wood fence along the 2nd level outdoor terrace and, as the adjacent property owner, would allow access on his property for maintenance.
- Supported the design of 14th with retail only extending half way down the site to transition and buffer retail from the residential neighborhood to the south.
- It is extremely difficult to exit the alley onto 65th turning left. Given the existing and future number of pedestrians, safety measures such as a mirror or audible warning should be incorporated to minimize conflicts of vehicles and pedestrians near where the alley intersects the sidewalk.
- Supported the fencing and layered landscaping along the southern edge of the property.
- Concerned with the long term maintenance of the landscaping.
- The terrace within the required triangular setback should include a lower, landscape buffer to pull people away from the edge.
- Was concerned with access and maintenance of the fence and landscaping being on private property.
- Questioned the garbage pick-up times, staging, and container size.
- Questioned why the power pole in the alley was located at the proposed location and feasibility of undergrounding it.

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.

RECOMMENDATION MEETING March 28, 2016

1. **Architectural Concept & Materials:** In general, the Board agreed with the public comment related to the building materiality and supported the proposed project and stated that the details and elements presented at the Recommendation meeting should be carried through to implementation, including plans for irrigation, corner transparency adjacent to the alley, and layered landscaping with irrigation for long term maintenance.

- a. The Board noted that the proportions of materials gave a higher quality appearance and supported the composition and vertical bays, specifically noting the color, size, and orientation of the cement board panels. **(DC4-A, DC2-B)**
- b. There was support for the high quality, architectural grade concrete at the ground level. This should be carried through to implementation and an anti-graffiti coating applied on the concrete, specifically along the alley, was strongly encouraged. **(DC4-A)**
- c. The Board echoed public sentiment and noted that the open, transparent design of the ground level corner at 65th and the alley addressed safety concerns and recommended a condition to maintain transparency with the intent of promoting visibility, pedestrian safety, and minimizing potential pedestrian/vehicle conflicts at that location. If transparency is not maintained due installation of curtains, window film, etc., additional safety features, such as mirrors, should be added. **(PL2, PL3-C-2, PL3-I, DC1-C)**

2. Landscaping & Garage Access

- a. The Board agreed with public comments related to the landscaping at the south edge and recommended a condition, unless it was not feasible because of solid waste dimension requirements, to extend the proposed sunken planter on SE corner of the podium around to the south of the terrace, wrapping the corner, with the intent to pull people away from the edge. **(CS2-D, CS2-3, DC2-A)**
- b. The Board acknowledged public comments related to coordinating with the neighbor and recommended a condition for the applicant to coordinate with the abutting neighbor on the operation of the garage, noting that the garage should be designed to minimize sound impacts related to vehicle access on the adjacent neighbor while functioning in a manner that was safe. **(CS2-D-5, DC1-C)**
- c. The Board acknowledged public comments related to coordinating with the neighbor and recommended a condition that a long-term maintenance plan for the landscaping and fencing along the south edge be in place that provides both access for maintenance and a way for the adjacent property owner to contact property management long term. **(DC4-D)**

DESIGN REVIEW GUIDELINES

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

CONTEXT & 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-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

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.

Roosevelt Supplemental Guidance:

CS2-II Corner Lots

CS2-II-i. Gateways: Gateway features could include a variety of design elements that enhance these prominent neighborhood intersections identified below. See guidelines for gateways locations. The following design elements are encouraged:

- a. special paving or surface treatments;
- b. art;
- c. water features;
- d. landscaping;
- e. seating;
- f. kiosks, etc.

CS2-III Height, Bulk, and Scale Compatibility

CS2-III-i. Commercial/Residential Zone Edges Map: Careful siting, building design and building massing at the upper levels should be used to achieve a sensitive transition between multifamily and commercial zones as well as mitigating height, bulk and scale impacts. Some of the techniques already identified in the citywide design guidelines are preferred in Roosevelt. These techniques include:

- a. increasing building setbacks from the zone edge at ground level;
- b. reducing the bulk of the building's upper floors;
- c. reducing the height of the structure;
- d. use of landscaping or other screening (such as a 5-foot landscape buffer).
- e. Departures to development standards are encouraged in Roosevelt in order to create a positive transition along zone edges.

CS2-III-iii. Zone Edge Condition One: Where a rear lot line of a commercially zoned lot (height limit of 30, 40 or 65 feet) abuts a side or rear of a residentially zoned lot (height limit of 25-35 feet). Examples of recommended design methods follow in order of preference:

- a. For commercial uses, place surface parking and access behind commercial buildings;
- b. Increase building setbacks along zone edges;

- c. Step back the upper floors or modify the roofline to reduce the overall building height.

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

Roosevelt Supplemental Guidance:

CS3-I Architectural Context

CS3-I-ii. Architectural Features: Features preferred in Roosevelt include the following:

- a. Building base emphasizing materials and/or texture that is different from the material(s) and texture(s) of the main body of the building
- b. Kickplate
- c. Ground floor storefront transparent windows that allow pedestrians to see activity within the building
- d. Ground floor display windows (where product displays are changed frequently to create interest along the street)
- e. Recessed entries on the street level and building modulation on the upper levels
- f. Transom windows
- g. Upper level windows that are interrupted by solid façade area
- h. Parapet cap or cornice
- i. Beltcourse
- j. Marquee or awning: marquees or retractable awnings are generally preferred
- k. Arcades
- l. Change in materials
- m. Variety in color and/or texture
- n. Building overhangs (where upper levels are brought closer to a front property line)
- o. Courtyards

PUBLIC LIFE

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

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

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

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

Roosevelt Supplemental Guidance:

PL3-I Human Activity

PL3-I-i. Pedestrian Amenity/Setback: Roosevelt is looking for opportunities to encourage pedestrian activity along sidewalks within the Commercial Core. This is especially important because sidewalks along Roosevelt and 65th are considered too narrow. If not required with new development, applicants are encouraged to increase the ground level setback in order to accommodate pedestrian traffic and amenity features.

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

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

DESIGN CONCEPT

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

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-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

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-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

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

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

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

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.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DEVELOPMENT STANDARD DEPARTURES

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

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

1. **Residential Uses at Street Level (23.47A.005.C, 23.47A.005.D.1, 23.47A.008.C.1):**
The Code requires residential uses to occupy no more than an aggregate of 20% of the street-level street-facing façade in NC1 zones, with the remaining 80% to be occupied by general sales, retail, or eating and drinking establishments. The applicant proposes 50% of the street-level street-facing façade to be residential uses.

The Board unanimously supported the requested departures related to residential uses at street level because of the flexibility of spaces created by the design of the residential amenity space to accommodate commercial in the future and noted that commercial in this area may be difficult to support at this time and the proposed residential space would offer more activity, consistent with the intent of Design Guideline PL3-C: Retail Edges.

2. **Street Level Transparency (23.47A.008.B.2a):** The Code requires 60% of the street-facing façade between 2 ft. and 8 ft. above the sidewalk to be transparent. The applicant proposes 40% transparency along the 14th Ave NE façade with landscaping in lieu of the remaining required transparency.

The Board unanimously supported the departure and noted that the corner was a more desirable location for additional transparency and activity and landscaping provided a better transition to the more quiet, residential uses to the south better meeting Design Guidelines DC2: Architectural Concept and CS2: Zone Transitions and Respect for Adjacent Sites.

3. **Non-Residential Use Depth (23.47A.008.B.3):** The Code requires non-residential uses to extend an average depth of at least 30 ft. and a minimum of 15 ft. from the street-level, street-facing façade. The applicant proposes a reduced depth of 24.8 ft. for the commercial space.

The Board unanimously supported the requested departure noting the voluntary setback to increase sidewalk width and smaller retail in this instance as desirable for an enhanced pedestrian experience consistent with Design Guidelines PL2: Walkability and PL3: Retail Edges.

- 4. Overhead Weather Protection (23.47A.008.C.4):** The Code requires continuous overhead weather protection along at least 60% of the NE 65th St street frontage with a minimum width of 6 ft. and located between 8 ft. and 12 ft. above the sidewalk. The applicant proposes weather protection that is 4' deep and between 10-13' above grade along 60% of the NE 65th St façade.

The Board unanimously supported the requested departure because of the design of the street tree and landscaping (including Silva Cells), voluntary setback, and bays that would also provide overhead weather protection consistent with Design Guidelines PL3-I: Pedestrian Amenity/Setback and PL3-C-3: Ancillary Activities.

- 5. Structure within the Required Setback at Residential Lots (23.47A.014.B.1):** The Code requires a 15' triangular setback when a commercial lot abuts a side lot line and front lot line in a residential zone. The applicant proposes to allow a structure within the required 15' triangular setback.

The Board unanimously supported the requested departure because it prevented a recessed alcove and was a better design solution for safety, security, and the streetscape conditions better meeting the intent of Design Guideline DC2-A-1: Site Characteristics and Uses.

- 6. Parking Aisle Width (23.54.030.E):** The Code requires an aisle width of 24' or greater for two-way traffic (for ADA van stalls). The applicant proposes a narrower (20') aisle to serve the aisle containing the ADA van stall.

The Board unanimously supported the requested departure because of the additional bicycle parking and it aided in minimizing the impacts of parking on the retail depth and setbacks along NE 65th St, better meeting Design Guidelines PL3-I-i: Pedestrian Amenity/Setback and PL3-C-3: Ancillary Activities.

- 7. Setback Requirements for Lots Abutting Residential Zones/Structures in Required Setbacks (23.47A.014.B.3.a, 23.47A.014.E.5.a):** The Code requires 15' setback above 13' height to a maximum of 40'. Additionally, fences are limited to 6' or less in height above existing or finished grade in required setbacks. The applicant is proposing a privacy screen (fence) greater than 6' above grade and within the required side setback above 13'.

The Board unanimously supported the requested departures related to the privacy screen because it allowed for greater privacy, screening, and a better transition to the existing adjacent single family use better meeting Design Guideline CS2: Respect for Adjacent Sites.

BOARD RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated Monday, March 28, 2016, and the materials shown and verbally described by the applicant at the Monday, March 28, 2016 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design with the following conditions:

1. The ground level corner at 65th and the alley should remain transparent and free of obstructions unless additional safety features are incorporated to maintain and enhance pedestrian safety. (PL2, PL3-C-2, PL3-I, DC1-C)
2. Extend the sunken planter on SE corner of the podium around to the south of the terrace, wrapping the corner, to keep people away from the edge, unless it is not feasible due to solid waste dimension requirements. (CS2-D, CS2-3, DC2-A)
3. Coordinate with the abutting neighbor to the south on the operation of the garage to minimize impacts on the adjacent neighbor while ensuring that the garage functions safely. (CS2-D-5, DC1-C)
4. Create a long-term maintenance plan for the landscaping and fencing along the south edge of the property to address maintenance access and establish a point of contact for the adjacent property owner to contact property management regarding maintenance. (DC4-D)

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the SDCI 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.

At the conclusion of the Recommendation meeting held on March 28, 2016, the Board found that the design of the proposed project adequately conformed to the applicable Design Guidelines and recommended approval of the project.

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.

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.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design.

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 8/26/2015. The Seattle Department of Construction and Inspections (SDCI) 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 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.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust, 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. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808),

the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas, construction traffic and parking impacts, environmental health, as well as mitigation.

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, excavation, and construction activity. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675. B and M).

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 Worker 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>.

Environmental Health

The applicant submitted a Phase 1 Environmental Site Assessment (Phase 1 ESA, Geotech Consultants, Inc. dated May 8, 2015) that identified possible existing contamination on site related to potential heating oil underground storage tanks (USTs). On-site borings did not identify evidence of petroleum releases from the USTs.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

The applicant will comply with all provisions of Model Toxics Control Act (MTCA) in addressing these issues in the development of the project, including if contamination is identified during potential tank removal or during other redevelopment activities.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from potential contamination on site. Therefore, no further mitigation is warranted for potential contamination impacts, per SMC 25.05.675.F.

As indicated in the Phase 1 ESA, due to the age of the building some asbestos, lead-based paint, and other hazardous building materials may be present onsite, if so, abatement of these materials will need to take place prior to demolition.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992 \(Title X\)](#), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; historic resource; height, bulk, & scale; parking; and 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, historic resources, height, bulk, and scale, parking, and traffic 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 pursuant to SMC 25.05.675.F

Historic Preservation

The existing structures on site are more than 50 years old. The structures 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 were unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 689/15).

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.

Height, Bulk, and 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 and therefore additional SEPA Mitigation of height, bulk and scale is not warranted per 25.05.675.G.

Parking

The proposed development includes 41 residential units with 8 off-street vehicular parking spaces. The traffic and parking analysis (Heffron Transportation, Inc., Traffic Generation and Parking Analysis dated October 8, 2015) estimated that the proposal will generate peak overnight parking demand of 26 vehicles, 8 of which could be accommodated on site and 18 could overspill to on-street parking in the vicinity. Based on analysis of on-street parking conditions, the overall utilization within 800-feet of the site could increase from 42% to 49% on weeknights when considering the proposed project and the cumulative parking impacts from planned development in vicinity of the site. The proposal therefore would have a potential additional impact to on-street parking utilization.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in Station Area Overlay Districts. This site is located in the Roosevelt Station Area Overlay District therefore regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

Transportation

The Traffic Impact Analysis (Heffron Transportation, Inc., Traffic Generation and Parking Analysis dated October 8, 2015) conservatively estimated the proposed project could generate net increases of up to 230 daily vehicle trips, 14 AM peak hour trips, and 25 PM 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 – 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.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. Extend the planter at the SE corner of the podium to keep people away from the edge of the second level terrace.

Prior to Certificate of Occupancy

2. 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 (BreAnne McConkie).
3. Provide a long-term maintenance plan for the landscaping and fencing along the south edge of the property to address maintenance access and establish a point of contact for the adjacent property owner to contact property management regarding maintenance.

For the Life of the Project

4. The window located at the ground level corner at NE 65th St. and the alley shall remain transparent and free of obstructions unless additional safety features are incorporated to maintain and enhance pedestrian safety.
5. 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 (BreAnne McConkie).

CONDITIONS – SEPA

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

6. 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>.

BreAnne McConkie, Land Use Planner
Seattle Department of Construction and Inspections

Date: July 21, 2016

BM:bg

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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.