



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: 3020236
Applicant Name: Andrew Kluess, Caron
Address of Proposal: 4700 Brooklyn Ave NE

SUMMARY OF PROPOSAL

Land Use Application to allow a 6-story structure containing 74 residential units above 5,885 sq. ft. of retail space located at ground level. Parking for 37 vehicles to be provided below grade. Existing structures to be demolished.

The following approvals are required:

Design Review with no Departures (Seattle Municipal Code 23.41)*

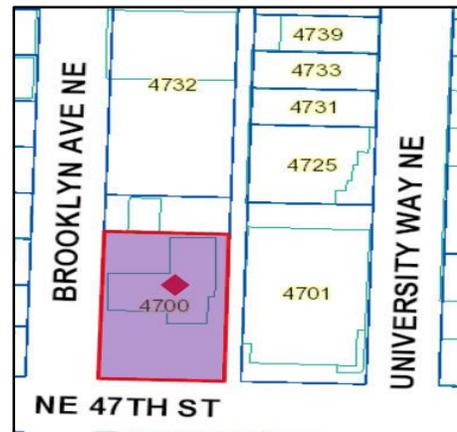
SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

- 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 (NC3-65)
Nearby Zones: North: NC3-65
South: NC3-65
West: NC3-65
East: NC3-65
ECAs: None.
Site Size: 16,480



Public Comment:

The public comment period ended on November 18, 2015. In addition to the comment(s) 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 construction noise, and shade 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

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The site is currently developed with a gas station and surface parking. The existing single-story steel framed building was constructed in 1969. The site is located in the University Urban Center, which contains a variety of commercial and residential uses at varying scales. Some parcels are underdeveloped when compared to the zoned heights and intensity of uses. Most of the commercial uses and services are located on the main arterial streets.

Immediately to the north of the site is a Safeway grocery store, one-story commercial building with surface parking. To the east across the alley is a one story commercial building with a one level of partially below grade parking. To the south across NE 47th Street is a religious institution and associated services, housed in a two-story structure and adjoining church. Across Brooklyn Ave NE to the west is a seven story mixed-use structure, currently under development.

The University of Washington campus is located a few blocks to the southeast. The future light rail station (to open in approximately 2020) is located a few blocks to the south. University Way (“The Ave”) borders the west side of this site.

The nearby neighborhood is fully developed with sidewalks, but often lacks planting strips and street trees. Transit service is frequent and includes a variety of routes. The future light rail station will further increase the frequency and choice of modes of transit. The nearby streets are heavily used by pedestrians, cyclists, transit, and other vehicles.

EARLY DESIGN GUIDANCE - August 10, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number 3020236 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 Address: **Public Resource Center**
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:

- Concerned about the potential general impacts to the University House, located a block west on NE 12th Ave.

FINAL RECOMMENDATION - March 14, 2016

The packet includes materials presented at the meeting, and is available online by entering the project number (3020236) at this website:

<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

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
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Public Comment

The following public comments were provided at the Recommendation meeting:

- Supported the clean and simple aesthetic of the design.
- Noted security concerns in the neighborhood, and suggested keeping a subdued entry.
- Concerned about the degraded condition of the alley, noting that previous construction has made the alley difficult to navigate.
- Noted that the noise generated on University Way can be audible from Brooklyn Ave, especially where large flat facades bounce noise upward late at night.
- Supported the concept of the clean lines, and neutral color palette.
- Supported courtyard as a break in the massing and for providing relief as viewed from street.
- Noted that canopies should be considered to protect pedestrians from balconies above.

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 - August 10, 2015

- 1. Massing Concept and Courtyard:** The Board preferred the massing with a west-facing second-level courtyard and solid edge at street-level as presented in Option 2. (CS1-B, CS2-A, CS2-D, DC2-A)
 - a. The Board discussed at length the response of the upper massing to the emerging urban context along Brooklyn Ave. The Board noted that locating the courtyard along

- the alley (Option 3) provided a strong street wall but that the solar access to the courtyard was lacking. The Board felt that the courtyard in Option 2 breaks up the upper massing along Brooklyn Ave, and that a hard street edge at ground level would be adequate to respond to the urban context. (CS1-B, CS2-A, CS2-B, CS3-A, DC2-A)
- b. The location of the courtyard in Option 2 provides more access to light. The Board noted that a west facing courtyard abutting Brooklyn Ave has a greater potential to support user activity than a courtyard on the alley due to the light access and proximity to the street. (CS1-B, DC3-A)
 - c. The size of the courtyard should be large enough to provide usable amenity space. (DC2-A, DC3-A)
 - d. The Board discussed the common typology of residential courtyard entries within the University District, and noted that the upper level courtyard provides an opportunity to reinterpret this building typology. The Board encouraged the applicant to consider the opportunity for setting a precedent by creating a typology based on the architectural context. (CS3-A, DC-3)
 - e. The Board felt the overall proposed height, bulk and scale of the massing is an appropriate response to the context and neighborhood character. (CS2-D)

2. Alley Safety and Security.

- a. Provide elevations, perspectives, and diagrams that demonstrate the response to security concerns in the alley. The Board suggested lighting and avoiding any recesses in the building façade at the ground level. (PL2-B)
- b. The ground floor uses along the alley, specifically the pool area, are not likely to have a high level of transparency. The Board suggested high windows along the pool area to create the perception of eyes on the alley. (PL2-B)

3. Street-level Uses and the Pedestrian Realm.

- a. The Board discussed the relationship of residential entry to traffic from light rail station, and supported the proposed location at the north end of the west façade as it allows for continuous commercial spaces to wrap the corner and provide an anchor. (PL1-B, PL3-C)
- b. The Board noted the narrow sidewalks along this portion of Brooklyn and the potential for increased pedestrian traffic, and encouraged pulling the ground floor back 3-4 feet to provide additional room for traffic and ancillary uses at the sidewalk. The Board noted that this provides the opportunity to connect to the streetscape and establish a precedent along Brooklyn Ave, as well as provide overhead weather protection. Consider areas for outdoor seating or temporary bike parking. (CS2-B, PL3-B, PL3-C, PL3-II)
- c. The Board noted they would be open to a departure for commercial space depth (if needed) to pull the ground floor façade back to create more space at the sidewalk for ancillary activities and pedestrian circulation. (PL2-C, PL3-C, DC3-A)
- d. The Board supported the proposed tree wells, as opposed to a landscape buffer, as it responds to the emerging urban context along Brooklyn Ave. (DC4-D)
- e. The Board supported the continuous commercial space that wraps the corner. The Board felt that locating commercial uses on NE 47th Street would help provide continuity from the commercial uses on University Way NE.

4. Architectural Concept.

- a. The overall architectural concept, including the materials and color, should create a dialogue with the project (currently under development) across Brooklyn Ave. The Board encouraged a playful relationship between the design concepts. (DC2-A, DC2-B, DC2-C, DC4-I)
- b. The Board felt that the break in massing at the courtyard could be an opportunity to make a unique statement with the massing and/or overhead weather protection, but expressed concern that a dramatic interruption may indicate wayfinding where it does not exist. (DC2-A, PL3-B, PL2-C)
- c. The design of the street-level should relate to the programmatic uses. (PL3-C)
- d. The two upper level masses need not be matching in size or architectural concept. (DC2-A, DC2-B)
- e. The Board discussed the corner treatment, and felt that while the corner should be emphasized, the massing and design language need not be a dramatic response to the corner location. (CS2-D, CS2-II, DC2-A, DC2-B)
- f. The alley façade should be well-composed, but is of a lesser priority than the south, west, and north facades. (CS2-D, DC2-B, DC2-C)

RECOMMENDATION - March 14, 2016

1. Residential Entry and Streetscape Design.

- a. The Board discussed the design of the residential entry, noting the lack of a canopy and design elements that would typically contribute to a more prominent and inviting entry. After considering public comment regarding security concerns and site context, the Board supported the design of the entry. The Board noted that the change in material at the entry and lack of canopy provided an appropriate yet subdued interruption to enhance wayfinding. (PL2-B, PL3-A, PL3-I)
- b. The Board supported the retail transparency wrapping the corner into the alley, as it enhances security by providing views into the alley. The Board noted that bollards or other measures should be considered to minimize potential damage from vehicular traffic on the alley. (PL2-B, PL3-C)
- c. The Board supported the setback at the ground level, as it provides overhead weather protection, space for ancillary activities, and a more gracious pedestrian realm. (CS2-B, CS3-A, PL1-B, PL2-C, PL3-C)

2. **Courtyard Design.** The Board discussed the use of wood on the guardrail, noting that the application appeared inconsistent with the established design language of the vertical wood elements, and conditioned that the wood panels below the guardrail be replaced with Hardie Reveal 2.0 for design consistency, and that the glass guardrail remain. (DC2-B, DC2-C, DC4-I)

3. **Overhead Weather Protection.** The Board supported the materiality and detailing of the canopies. The Board discussed the depth of the canopies, noting that while the depth appears to be adequate for coverage from rain events and from matter released from the decklets above, water from rain events would create a dripline down the center of the sidewalk. The Board recommended a condition that the canopies drain towards the building to minimize the impact on the pedestrian realm. (DC2-C, DC4-I)

- 4. Materiality, Detailing, and Architectural Composition.** The Board supported the simple joints and proportions and the austerity of the architectural expression. The Board felt the neutral color palette of the white Hardie Reveal 2.0 with wood composite accents reinforced the clean lines of the massing, and encouraged retaining and refining the details and composition to strengthen the architectural expression.
- a. The Board supported the Preferred Option on p.20, which features vertical wood accents to delineate residential uses. (DC2-A, DC2-B, DC4-I)
 - b. The Board expressed concern over the white cementitious panels getting dirty, noting that this would detract from the clean lines and achieving the desired architectural concept, and encouraged maintenance as necessary to retain the cleanliness of the materials. (DC2-A, DC2-B, DC4-I)
 - c. The Board noted that use of concealed fasteners for the cementitious panels supported the austere expression. The Board recommended a condition that the reveals be painted white to reinforce the design concept. (DC2-A, DC2-B, DC4-I)

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

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-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

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-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

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

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

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-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

University Supplemental Guidance:

CS2-III Corner Lots

CS2-III-i. Special Site Features: For new buildings located on a corner, including, but not limited to the corner locations identified in Map 3 of the full Guidelines, consider providing special building elements distinguishable from the rest of the building such as a tower, corner articulation or bay windows. Consider a special site feature such as diagonal orientation and entry, a sculpture, a courtyard, or other device. Corner entries should be set back to allow pedestrian flow and good visibility at the intersection.

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.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

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

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-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

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.

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-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-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

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-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

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-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.

University Supplemental Guidance:

PL3-I Entrances Visible from the Street

PL3-I-i. Entrance Orientation: On Mixed Use Corridors, primary business and residential entrances should be oriented to the commercial street. Secondary and service entries should be located off the alley, side street or parking lots.

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.

PL3-II Human Activity

PL3-II-i. Recessed Entries: On Mixed Use Corridors, where narrow sidewalks exist (less than 15' wide), consider recessing entries to provide small open spaces for sitting, street musicians, bus waiting, or other pedestrian activities. Recessed entries should promote pedestrian movement and avoid blind corners.

DESIGN CONCEPT

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 Façade Composition

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

University Supplemental Guidance:

DC2-I Architectural Elements and Materials

DC2-I-i. Modulate Façade Widths: On Mixed Use Corridors, consider breaking up the façade into modules of not more than 50 feet (measured horizontally parallel to the street) on University Way and 100 feet on other corridors, corresponding to traditional platting and building construction. (Note: This should not be interpreted as a prescriptive

requirement. Larger parcels may characterize some areas of the University Community, such as lower Roosevelt.)

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.

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

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.

University Supplemental Guidance:

DC4-I Exterior Finish Materials

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

DC4-I-ii. Relate to Campus/Art Deco Architecture: Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim.

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

At the time of the Final Recommendation, no departures were requested.

RECOMMENDATION CONDITIONS

At the conclusion of the RECOMMENDATION meeting, the Board recommended approval of the project with conditions:

1. Replace the wood composite panel from below the guardrail at the balcony with materials that are consistent with the building design. (DC2-B, DC2-C, DC4-I)
2. Revise the design of the overhead weather protection to drain towards the building. (DC2-C, DC4-I)
3. The reveals within the cementitious panel system shall be painted white. (DC2-A, DC2-B, DC4-I)

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 recommended 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 March 14, 2016, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Three 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:

The applicant responded with a memo on 3/16/16, noting, "Responses have been composed subsequent to the DRB meeting on March 14, 2016. Per the Board discussion, we have incorporated the following revisions into this correction response: 1) Use of Hardie Reveal Panel 2.0 with field painted reveals to match panels; 2) Canopies will drain back toward the building and include downspouts; 3) The wood paneling at the courtyard will be removed and replaced with white Hardie Reveal Panel 2.0." The response satisfies the recommended condition for the MUP decision. This item shall be shown on the Master Use Permit and construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the Certificate of Occupancy for the new construction, as conditioned below.

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 three 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.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

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 10/2/2015. 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 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 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. 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, construction-related noise, and 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, 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 and timed or metered 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 Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction.

The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development 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 Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, 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.

Environmental Health

The applicant submitted studies regarding existing petroleum contamination on site from the gas station use (*Baseline Environmental Assessment Report* prepared by Riley Group dated March 31, 2015; *Remedial Action Work Plan* prepared by Riley Group date February 2, 2016).

If not properly handled, existing contamination could have an adverse impact on environmental health.

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 has also submitted for reference the Voluntary Cleanup Plan Agreement and application for Voluntary Cleanup Program submitted to the Washington State department of Ecology for review (*VCP Agreement* prepared by Riley Group dated February 2, 2016).

As indicated in the SEPA checklist, the *Baseline Environmental Assessment Report*, *Remedial Action Work Plan*, and the *VCP agreement*, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the *Remedial Action Work Plan* and *VCP Agreement* are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The *Remedial Action Work Plan* and *VCP Agreement* describe strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority.

The proposed strategies and compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

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; potential blockage of designated sites from the Scenic Routes nearby; 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, height bulk and scale, parking, plants and animals, 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

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. 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.

Parking

The project is providing 37 vehicle parking stalls in a below-grade parking garage on site. The parking garage will be accessed via two driveway onto the alley between Brooklyn Avenue NE and University Way NE 47th Street and NE 50th Street. The Traffic Impact Analysis (Transpogroup, *Transportation Impact Analysis, and March 2016*) stated that parking demand for both the residential and commercial-retail is estimated to result in a total parking demand of 42 vehicles. When taking into account concurrent peak parking, the peak parking demand at any time of the day will be 40 vehicles. A concurrent peak parking demand of 40 vehicles will result in an overspill of 3 vehicles. Based on a previous traffic study within the site vicinity, there is adequate on-street parking spaces to accommodate the spillover.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in Station Overlay Districts or Urban Villages within 1,320 feet of a street with frequent transit service. This site is located in the NE 45th Station Overlay District and the University NW Urban Center Village. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal. Therefore no further mitigation is required pursuant to SMC 25.05.675.M.

Plants and Animals

One tree is located on the adjacent site and encroaching onto the northwest corner of the subject property. The applicant submitted an arborist report [*Tree Identification and Evaluation by Arborist Options, LLC. (January 13, 2016)*] and identified this tree as a non-exceptional tree [20.5", *American Sweetgum tree*]. Seattle DCI's Arborist has reviewed and confirmed the information. . No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

Transportation

The Traffic Impact Analysis (Transpogroup, *Transportation Impact Analysis, and March 2016*) indicated that the project is expected to generate a net total of 190 daily vehicle trips, with -88 net new PM Peak Hour trips and -68 AM Peak hour trips. As reflected in the number of net PM and AM trips, the proposed use (residential/retail) generates fewer trips than the existing use (gas station/convenience store).

The estimated 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 the proposed use is less impactful than than the existing use; 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

For the Life of the Project

1. 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 (Crystal Torres, 206-684-5887, crystal.torres@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. 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>.

CrystaL Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: June 23, 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.