City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number: 2203112

Applicant Name: Roosevelt Partners, LLC

Address of Proposal: 1026 N.E. 65th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a mixed use structure with two, five and six-story buildings over a common parking garage on an L-shaped lot containing 2,496 square feet of commercial use at street level and 76 residential units. Parking to be provided for 98.5 vehicles in three levels of a partially below-grade garage.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC - Three Design Departures

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

[X] DNS with conditions

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

* Early DNS Notice published January 9, 2003

BACKGROUND DATA

Site and Area Description

The applicant proposes a mixed-use structure with two buildings above a shared parking garage. The L-shaped site extends from NE 65th Street to NE 66th Street in the Roosevelt neighborhood. A larger six-story building would face NE 65th Street. A bifurcated smaller building would overlook NE 66th St. The applicant proposes 76 multi-family units with three levels of parking. The majority of open space would be located on a roof garden on the larger structure facing Roosevelt Square, and a narrow, smaller, open space would be located above grade between the two buildings. Commercial uses are proposed for NE 65th Street. The entire site is zoned Neighborhood Commercial Three with a 65 foot height limit (NC3-65). The 120' frontage along NE 65th Street has a Pedestrian 2 overlay. The property descends approximately ten to 12 feet from NE 66th Street to NE 65th St.

Three single stories, commercial buildings currently occupy the frontage on NE 65th Street. These include Kyoto Teriyaki, Lafoons (a jewelry store) and an insurance company. Facing NE 66th Street are two single family houses. All structures are to be removed.

Located in the Roosevelt Urban Village, an area with predominately commercial and residential uses, the site lies across NE 65th Street from Roosevelt Square, across NE 66th Street from a QFC grocery store, one-half block from the commercial core of the urban village at NE 65th Street and Roosevelt Way NE and two blocks from Roosevelt High School, a city designated landmark. Occupying the same block face as the proposed development are Teddy's Tavern, a Red Wing shoe store, and East West Bookshop.

Four recently completed townhouse structures sited to the north and to the east of the subject site house eight units and gain access from NE 66th Street. Within an L-3 zone, these structures are 2 ½ floors in height. A block from the site and across Roosevelt Avenue N.E. on the south side of NE 65th St., the Theodore, a six-story mixed-use project is comparable in height, bulk and scale to the proposal.

The Roosevelt Urban Village's neighborhood plan, *Tomorrow's Roosevelt Neighborhood Plan*, establishes goals and recommendations for the commercial core. The Roosevelt Urban Village Design Guidelines grew out of the planning efforts of the neighborhood. The development team addressed these guidelines as well. Applicable neighborhood guidelines have been added to the Priorities section below.

Proposal Description

The proposed structure includes commercial space fronting NE 65th Street, five floors of residential units above the storefronts, five floors of residential units in the building overlooking NE 66th Street, and three levels of mostly below-grade parking. The applicant proposes a total of

76 multi-family units, 98 parking spaces, and 2,496 square feet of commercial space. A curb cut on NE 66th Street would provide access to the parking garage.

Public Comments

Eleven members of the community attended the Early Design Guidance meeting. Speakers requested that no vehicular access occur from NE 65th Street, allowing only retail uses along 65th Street and locating the garage off of NE 66th Street. Due to the pedestrian orientation of the Roosevelt commercial core, one of the speakers asked that enough space be devoted to an economically viable retail use. Another comment raised the possibility of additional buses in the area due to the future location of a transit station. This may produce queuing that will impact turns in and out of a proposed garage on NE 65th Street.

If built, the proposed project will be much larger than anything else on the block. Community members requested mitigation of the height, bulk and scale.

DCLU received three letters commenting on the project. The writers' focused on height, bulk and scale issues with the proposed project's immediate neighbors and within the general fabric of the Roosevelt neighborhood. Other concerns included impacts to traffic and on-street parking as well as mitigation from construction impacts. Storefronts should be of a size to make them economically viable, and the design should reflect a traditional main street storefront.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on August 19, 2002. 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 identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The project fronts on two streets with different characteristics. Pedestrian oriented, NE 65th Street serves as a major arterial. A traffic study should be done to clarify whether a garage entrance is necessary on NE 65th Street. In contrast, narrower NE 66th Street is less intensively used and has retained its lower scale. A garage located on NE 65th would likely dominate the streetscape and minimize the amount of available commercial space on NE 65th Street. Pedestrian activity and safety would be potentially compromised.

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

The Board prefers the placement of commercial uses on to NE 65th Street instead of a large garage entry. The Board recommends that a good useable open space should be developed along NE 65th Street. A small courtyard should continue to be developed along with the addition of other pedestrian amenities.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The street level façade on NE 65th St. should be animated---welcoming visitors and conducive to pedestrian life.

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

See A-3. The development team will bring photos of the adjacent townhouses on NE 66th Street to the next meeting. The building's design along NE 66th St. must respond to the townhouses, to the quieter character of the street, and to its pedestrian orientation and scale. Designed correctly, the exterior stairs descending to the street level have the potential of adding a great deal of interest to the site.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Roosevelt Square dominates the south side of the street. The exterior of the proposed building should respond both architecturally and urbanistically to Roosevelt Square. Locate as much retail as possible on NE 65th Street. The streetscape should have pedestrian amenities such as canopies, seating, planters, attractive paving patterns, decorative materials, art, quality lighting etc. at street level.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board requests development of detailed landscape and open space plans. The landscape plan should be a colored drawing (not a landscape legend planting plan). Reconsideration must be given to the amount of open space on the lower levels. Board members stated that pedestrians need to see more landscaping.

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

Parking and access represent a key issue for the Board and the community members. Garage access off NE 65th Street would degrade the pedestrian environment on the block. Given that parking access for Roosevelt Square does not occur on NE 65th Street, little reason exists to locate access for the subject building on NE 65th Street.

A-9 Location of Parking on Commercial Street Fronts. Parking on a commercial street front should be minimized and where possible should be located behind a building.

See A-8.

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The height and mass of the structures closer to NE 66th Street should step down more than is currently proposed in order to relate better to the adjacent townhouses. As this portion of the site is on a zone edge, the Board will closely scrutinize the manner in which the design provides a transition between the zones.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Board members encouraged the use of brick.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

Because NE 65th and NE 66th Streets are so different from one another, it is not necessary that the facades facing the separate streets obtain such consistency that they ignore their contexts. The applicant will review the Roosevelt Neighborhood guidelines and present at the next meeting how the design meets these guidelines.

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

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Board members strongly urge use of brick, metal and wood as the primary building materials.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Board and community members generally opposed the presence of a garage on NE 65th Street. The panel encouraged a narrow width garage on NE 66th Street as well.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Ensure exterior lighting that is well placed and interesting. Custom designed lighting on NE 65th Street (suitable to the Roosevelt community) will significantly enhance the area's desirability and pedestrian qualities.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Make walls interesting. If walls must be blank, then use color, materials, and art to animate them.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

See D-2.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Focus especially on lighting (see D-1) and open spaces at street and terrace levels.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board strongly recommends that the landscape drawings be rendered in color. Given the requested departure for open space, the landscape designs should be highly evolved with exceptional materials. The designers should provide perspective sketches of the terraces and open spaces at the next meeting.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Comments for E-1 also apply.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Comments for E-1 also apply.

Applicable Roosevelt Urban Village Design Guidelines. The architect should respond to these guidelines for the next meeting.

A-1 Responding to Site Characteristics. Solar Orientation.
A-3 Human Activity.
A-6 Transition between Residence and Street.
A-7 Residential Open Space.
A-8 Parking and Vehicle Access.
B-1 Height, Bulk and Scale. Zone Edge Condition One.
C-1 Architectural Elements and Materials
C-2 Architectural Concept and consistency
C-4 Exterior Finish Materials.
D-1 Pedestrian Open Spaces and Entrances

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on November 12, 2003.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Preliminary and Final Recommendation Meetings on April 7 and April 21, 2003 respectively, to review the applicant's formal project proposal developed in response to the previously identified priorities. At the two public meetings, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. **Residential Lot Coverage**. Above 13 feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to maximum lot coverage of 64 percent.
2. **Commercial Street Frontage**. 80 percent of street frontage must be non-residential use.
3. **Side setback**. Ten foot setback above 13 feet when adjacent to a residentially zoned lot.

Public Comments

On April 7, 2003, four community members attended the Preliminary Recommendation meeting. Comments and questions focused on traffic impacts and the amount of open space. Because the applicant requested a significant departure from the Land Use Code's lot coverage and open space requirements, it was asked what the quality of life would be for individuals living on that block once the entire area was redeveloped at maximum, allowable densities. Other than open space located on the roof garden, the available open space on top of the parking plinth and on the streetscape is minimal and not conducive to interaction among the community of residents. Little appears to be gained from the loss of potential open space other than the applicant's claim that the structures closest to NE 66th Street are lower in height than the maximum allowable 65 feet.

Other comments praised the removal of vehicular access from NE 65th Street.

Five community members attended the Final Recommendation meeting on April 21. Two attendees praised the proposed building's design. The majority of comments and questions focused on the building's bulk which is much larger than the existing structures on the block. Although the building conforms to most zoning regulations, the applicant has requested departures for lot coverage and side setbacks. Two attendees requested that the Board deny the setback and lot coverage departure requests.

Recommendations

Guidelines from the Early Design Guidance and Preliminary Recommendation Meetings are in italics. Final recommendation guidelines are in plain type. There were four Board members in attendance at the Final Recommendation Meeting.

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The applicant responded to the Board's preliminary guidance by eliminating the curb cut and garage entry from NE 65th St. The Board members expressed their satisfaction that the garage access is on NE 66th Street rather than NE 65th Street.

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

In addition to eliminating the garage entrance at NE 65th St., the applicant expanded the entry court on NE 65th St. This gesture satisfied the Board.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.
The street level façade on NE 65th St. should be animated---welcoming visitors and conducive to pedestrian life.

At the Early Design Guidance Meeting, the Board requested that more design attention be paid to promoting pedestrian activity on NE 65th St. The Board expressed its satisfaction with the proposed continuous canopy on NE 65th St. and the larger entry court.

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

The architect presented drawings incorporating the neighboring townhouses. No comments were offered by the Board.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
Locate as much retail as possible on NE 65th Street. The streetscape should have pedestrian amenities such as canopies, seating, planters, attractive paving patterns, decorative materials, art, quality lighting etc. at street level.

At the Early Design Guidance Meeting, the Board noted that Roosevelt Square dominates the south side of the street, and recommended that the exterior of the proposed building should respond both architecturally and urbanistically to Roosevelt Square. The revised drawings show brick at the same height as Roosevelt Square. The proposed building will have a continuous canopy and a small entry court directly across the street from the steps leading to the second level of Roosevelt Square.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

At the April 21st meeting, the landscape architect presented color landscape renderings of the open space, complying with the Board's request from the earlier meetings. The Board agreed that the landscape design, especially at the roof level, was well done.

During the preliminary recommendation meeting (April 7th), the Board requested a more generous open space for pedestrians along NE 65th Street. The architect deepened the exterior vestibule on NE 65th Street by three feet. This was acceptable to the Board.

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

Board members welcomed the removal of parking access from NE 65th Street in favor of one access point from NE 66th Street.

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The architect presented two alternatives in which the structure fronting NE 66th Street varied in height. The Board members accepted the architect's preferred alternative showing the building on NE 66th Street as having one height rather than a stepped shape.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The revised drawings show a two-story brick base wrapping around the corners. The Board accepted these changes.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

Because NE 65th and NE 66th Streets are so different from one another, The applicant will review the Roosevelt Neighborhood guidelines and present at the next meeting how the design meets these guidelines.

The Board members noted at the earlier design review meetings that it is not necessary that the facades facing the separate streets obtain such consistency that they ignore their contexts. At the Recommendation Meeting, the Board did not make further comments.

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

The applicant presented continuous canopies complying with an earlier Board request to provide them on the NE 65th Street frontage.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The use of brick on the two lower floors facing NE 65th Street responds well to Roosevelt Square across the street. In light of earlier comments (below), the two Board members at the Preliminary Recommendation Meeting did not object to the use of hardi-board on the upper floors.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

At the Early Design Guidance Meeting, the Board and community members generally opposed the presence of a garage entrance on NE 65th Street. The panel encouraged a narrow width garage on NE 66th Street as well. The revised design removed the NE 65th Street garage entrance.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

At the Final Recommendation meeting, the architect presented a deeper open space along NE 65th Street to respond to the Board's interest in seeing a more animated street front in the heart of the Roosevelt commercial district.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Make walls interesting. If walls must be blank, then use color, materials, and art to animate them.

The Board initially asked the architect to animate the walls by use of color, materials, texture and art. At the Recommendation Meeting, the Board made no further comments.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Focus especially on lighting (see D-1) and open spaces at street and terrace levels.

The Board made no further comments regarding lighting and other security issues.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

Board members accepted the revised landscape drawings after earlier requesting an exceptionally well designed landscape plans.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

See response to E-1.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

See response to E-1.

<u>Roosevelt Urban Village Design Guidelines</u>

A-7 Residential Open Space. The Roosevelt Neighborhood values places for residents to gather. For mixed use developments, provision of ground-related common open space areas in exchange for departures especially to the maximum residential coverage limit is encouraged, in addition to other allowable departures.

Open space areas can also be achieved in a variety of ways including: 1) Terraces on sloping land to create level yard space; 2) courtyards; 3) front and/or rear yards; and 4) roof tops.

The design offers a roof garden with attractive landscaping. Open spaces at the streetscape, between the two structures and between adjacent structures are less generous. The Board recommended that the architect explore more opportunities for open space at ground level. In response, the landscape architect illustrated how attractive landscaped open spaces can be created in relatively narrow spaces. The Board did not comment on the proposed design as presented.

D-1 Pedestrian Open Spaces and Entrances. Pedestrian amenities are encouraged where appropriate along sidewalks with the Core Commercial Area. Providing for sufficient pedestrian movement is necessary in order to provide pedestrian amenities. One way to accomplish this is by extending curbs to create opportunities for outdoor cafes and/or vending areas.

Amenities could also be placed within small and larger setbacks along commercial streets. Curb extensions and any amenity feature proposed within the public right-of-way should be explored with Seattle Transportation very early in the design process.

The Board did not comment on the architect's design.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the April 21, 2003 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the April 21 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Commercial Street Frontage 23.47.008	80 % of street frontage must be non-residential use	85.9 feet (73.3 %)	▪ Allows for a larger residential entrance lobby.	APPROVED
2. Residential Lot Coverage. 23.47.008.D	64 % Lot coverage above 13'.	72%, total of 1,482 sq. ft. of additional residential coverage.	▪ Applicant lowered building height on NE 66th Street.	APPROVED
3. Side setback 23.47.014B.2b,c	10' setback above 13' when adjacent to a residentially zoned lot.	East property line at zone edge.	▪ Lower building heights than allowable.	APPROVED

The Board recommended the following **CONDITION** for the project. (Authority referenced in the letter and number in parenthesis):

1. Ensure that pavers at the pedestrian entrances are of a different color and pattern than the sidewalk treatment elsewhere. (D-1)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated November 12, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, 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 (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as those listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

A. Surveying and layout.

B. Stacking the building with remote operating crane or fork lift.

C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total

construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

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. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DCLU Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DCLU building plans examiner and geo-technical engineer prior to issuance of the

permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 16 feet and will consist of approximately 7,930 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Excavation and fill activity will require 793 round trips with 10-yard hauling trucks or 367 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck activity associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. Prior to issuance of a Building Permit, a construction transportation plan will be required.

Construction of the project is proposed to last approximately 14 months. Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with

these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

A traffic study produced by the applicant's consultant calculates trip generation rates obtained from the ITE Trip Generation Report. For the proposed residential units, trip generation rates associated with mid-rise apartments were used. Trip generation rates associated with specialty retail were also used. The project is estimated to generate 372 daily trips and 34 PM peak hour trips to the surrounding street system. The net new trips, as a result of the removal of the existing site use traffic, is 289 daily trips and 28 PM peak hour trips. Based on the assignment of project PM peak hour trips, approximately 75 percent of the project trips will enter/exit from the site from the south via Roosevelt Way NE and 12 Ave. NE.

Parking

The proposed 98.5 parking spaces (all devoted to residential uses) meet the Land Use Code requirement for on-site parking. The on-site parking supply is anticipated to adequately meet the demands of the project. No mitigation of parking impacts is necessary pursuant to SEPA. The retail commercial use, comprising approximately 2,465 square feet, will likely attract customers from the neighborhood. On-street parking is available on the adjacent streets. DCLU has determined that during the day there are adequate on-street parking spaces available to accommodate the small demand that residential and commercial uses of this size would likely produce. The Land Use Code generally does not require parking for the first 2,500 square feet of most non-residential uses.

Subsection 23.05.675 of the City's Environmental Policies and Procedures addresses parking impacts, as follows:

Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover.... It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decision-maker may condition a project to mitigate the effects of development in an area on parking; provided, that...parking impact mitigation for multifamily development...may be required only where on-street parking is at capacity as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

The project as a whole provides 98.5 parking stalls for 76 residential units, which meets zoning requirements. However, anticipated demand for parking in a multi-family project with numerous studio units is 1.4 spaces per unit, which would result in a need for parking for 106 vehicles. A review of the parking conditions by DCLU staff indicates that enough on-street parking spaces in the evening will accommodate the "spillover" parking of eight vehicles based on the difference between the amount of parking available in the proposed project and projected demand.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate

specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

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.

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

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Ensure that pavers at the pedestrian entrances are of a different color and pattern than the sidewalk treatment elsewhere.

Non-Appealable Conditions

2. Any proposed changes to the exterior of the building or the site or must be submitted to DCLU for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DCLU and SDOT for review and for final approval by SDOT.

3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DCLU planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

4. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

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

The owner(s) and/or responsible party (-ies) shall:

1. Provide a general construction schedule to the DCLU Land Use Planner for review and approval. The schedule must include the proposed truck staging, identification of haul routes and times at which all demolition and/or grading materials will be removed from the site, deliveries and service of equipment will be conducted, and all other construction activities which may have an adverse impact on the adjacent uses.

2. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

During Construction

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

3. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

   A. Surveying and layout.

   B. Stacking the building with remote operating crane or fork lift.

   C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

   D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

4. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

   Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DCLU prior to each occurrence.

   After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance

with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and would not be subject to the additional noise mitigating conditions.

5. Parking for construction workers shall be provided on-site as soon as the lower garage is completed, based upon approval by the DCLU Building Inspector.

Signature: (signature on file) Date: June 26, 2003
Bruce P. Rips, AICP, Project Planner
Department of Design, Construction and Land Use
Land Use Services

BPR:bg

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