



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Numbers: 2501342 and 2505931

Proponent Name: Max Anderson

Addresses of the Proposals: 100 Taylor Ave N and 567 John St

SUMMARY OF PROPOSED ACTION

Master Use Permit (2501342) to establish use for future construction of a six-story building containing five live-work units (6,651 sq. ft.), 7,853 sq. ft. of retail at ground level and 145 residential units on levels 2-6 with parking for 190 vehicles to be provided within the structure in three levels at and below grade. Project includes 17,470 cubic yards of grading and future demolition of existing buildings.

Master Use Permit (2505931) to establish use for future construction of a six-story building containing 4,884 sq. ft. of retail at ground level and 52 residential units on levels 2-6 with parking for 74 vehicles to be provided within the structure in three levels at and below grade garage. Project includes 8,146 cubic yards of grading.

The following approvals are required:

Design Review pursuant to Seattle Municipal Code (SMC) 23.41

Design Departures for Open Space and Lot Coverage Standards, SMC 23.41.012B.6. and 23.41.012B.7.

SEPA - Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION:

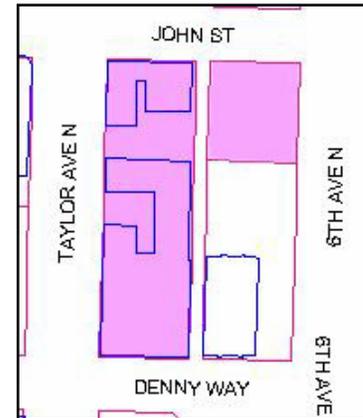
Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND INFORMATION:

The development site is located at 100 Taylor Ave N, and is comprised of two parts on each side of an improved alley. **Site A** is a full half block site and **Site B** is on the northern portion of the half block to the east. The full half block site is bounded on the south by Denny Way, by John St on the north, on the east by the alley, and on the west by Taylor Ave N. Site B is bound by 6th Ave N on the east, John St on the north, the alley on the west, and on south by property occupied by a bank and its parking lot. The site A is about 108' x 360' and Site B is about 108' x 120'.



The applicant is not seeking an alley vacation. Both sites A and B are zoned Seattle Mixed (SM-85) with an 85' height limit. The sites are located within a triangular area that falls outside of the Downtown, Uptown, and South Lake Union Urban Village designations. On April 18, 2005 this area was re-zoned by the City from NC3-85 to SM-85 changing development standards to generally allow lot line to lot line development and changing the open space requirement from 20% of gross residential floor area to 5% of gross residential floor area in Common Recreation, up to half of which may be in enclosed areas. The thrust of these Code changes is to enhance opportunities for housing development in the South Lake Union area. An FAR limit of 4.5 was also included.

AREA DEVELOPMENT

The project sites are north of Denny Way on the northern edge of the Belltown area of Downtown, two blocks from the Space Needle and Seattle Center, and at the SW corner of the South Lake Union Area. The sites are one block from Aurora Ave N which may be subject to large changes if and when the Alaskan Way viaduct is replaced, Aurora Ave N may be lidded at John St, creating opportunities to reinforce the Blue Ring open space concept by creating more east-west pedestrian connections.

The area development is currently characterized by mix of older and new structures and numerous surface parking lots and the presence of the monorail a block away to the south and west. Architectural styles vary from the free form Frank Gehry Experience Music project to the modern corporate Fisher Plaza structures on Fifth. There is an original Sea-first Bank building across the alley from Site A on Denny Way. According to the applicant, this is one of the last remaining examples of this bank design type. The Gates foundation is proposing development of a large office complex 3 blocks to the north across Broad St.

ARCHITECT'S PRESENTATION at the Early Design Guidance meeting

Jim Bodoia of Mithun Architects made the opening remarks noting that this project will be the first residential project in the neighborhood. He noted the 90' wide street right of way of Taylor Ave N. He noted that his client is in negotiations with the Bank of America to obtain the other parcels on the east half of the block. He stated that they will be seeking two departures from the Land Use Code development standards for mixed use structures: one from the 64 % residential lot coverage requirement above the 13' level in mixed use structures, and the other from the

residential open space requirement of 20% of the gross residential floor area standard. He noted that the City is proposing to change these standards. First, a floor area ratio provision is proposed to replace the current standard, and second, the open space standard will be lowered to 10% of the residential area, and up to half of the open space may be enclosed.

Max Anderson then described the proposal which is to develop two structures with about 200 total units in a structure about 70' high with about 13,850 sf of retail use and about 325 parking stalls, all within the structure. The architectural concept is to maintain an urban front for the structures and to provide multiple faces for the structures. The architect noted the constraints created by the high traffic levels on Denny Way and the relatively flat site. He described a desirable hierarchy where commercial use would be most appropriate on Denny Way, with Taylor Ave N being more residential and to the north, more appropriate for live-work units.

He showed a preferred massing scheme showing a 360' long structure fronting Taylor Ave N with 108 feet of each structure facing John St. This option shows three courtyards above about 1.5 levels of parking and a retail base for open space on the interior of the site. The architect highlighted the proposal to create a setback entry to the western building by providing a notch out of the mass on Taylor Av N from the street level to the top of the structure. The design proposes retail/commercial spaces along Denny Way, and the southern frontage of Taylor Ave N, and for the entire John St frontage of the structure on Site B. The design concept has live work units proposed for the northern frontage along Taylor Ave N and wrapping around most of the John St frontage.

The site slopes only about 8' from John St rising up to Denny Way. The preferred design proposes three points for vehicle access partially due to this low slope. The first access point is located about 50' north of Denny Way and would provide access to primarily the upper level commercial/retail uses. The site concept then proposes a second access point off of John St for the residential parking on the next lower parking level. For Site B parking, the design concept calls for a two ramps off of the alley to one level of at grade parking and 1.5 levels of underground parking. The three levels of parking would essentially stick up about 1.5 floors above and below grade.

The architect showed two alternatives to the preferred scheme that had the same base/street level features, but flipped the location of the two courtyards on the Taylor Ave N structure from the alley to one that faces Taylor Ave N. No alternatives were shown for site B. He showed a three dimensional concept sketch that he says demonstrates how the design wants to move away from typical multi-family design vocabulary with the goal of this design concept being creation of multiple faces and concealed garage entries. He noted that they had reviewed the City Design Review Guidelines and had identified the following as of priority for their design:

BOARD CLARIFYING QUESTIONS AND COMMENTS

at the Early Design Guidance meeting (architects response in parentheses)

A Board member wanted to know how committed over time is the developer to work out all the details involved with achieving most of the proposed added improvements in the public right-of-way. He also felt that the amount of departures sought on the site (7% more residential coverage) was significant and asked what design based rationale would be made for granting them. (The applicant believes that having public right-of-way on 4 sides and nearby Seattle

Center may provide adequate open space. In addition the architect cited the pending code changes, particularly the elimination of the residential lot coverage provision in favor of an FAR concept).

The character of façade design on Denny Way will be very important, since that façade will be the most visible to the most people and should be the important urban street front. Are proposed balconies going to be recessed? (Yes).

Another Board member felt that the 3 alternatives presented were very similar massing options ... 360 foot long structure which has open space on a lid either facing the alley or Taylor Ave N. All the alternatives appear monolithic and need to explore alternatives such as different roof forms as a design evolves. (It's programmatic. Breaking the structure into two or more structures is impractical for circulation reasons).

Another member noted that the alternatives all appear to have one residential entry for the structure on Site A, which would result in about a 200'+ walk from the entry on Taylor Ave N to units along Denny Way. (Maximum structure depth of 100' is a big challenge with 30' average depth requirement for non-residential uses). Will views from the current proposal be lost with the future full block development concept and development per the Code of adjacent sites? Show in a graphic study what the real shadow patterns and sun angles are for light to the open spaces. (That's why applicant wants to widen the pedestrian realm on Taylor Ave N and John St). If the other portion of the block is obtained, will applicant pursue a vacation of the alley" (No).

What is the timing of the acquisition of the Bank of America site? (Not applicable to current proposal). Why don't you show an alternative with all access off of the alley? (There are programmatic reasons for the massing and developer wants to have entries to parking visible to potential tenants. having a curb cut on Taylor Ave N and John St helps with the "intuitiveness of sales". They want at least one vehicle entry on the street).

Is the sidewalk widening proposal OK with the City? (It fits into the Blue Ring strategy promoted by the City Planning Department).

Staff commented that the architect should show the potential building build out in the immediate area as allowed by the Land Use Code to present a better picture of the future built form of the 9 block area.

BOARD DISCUSSION & DELIBERATIONS at the Early Design Guidance meeting

The Board members further discussed the proposed location of the open spaces in the alternatives, noting that the preferred alternative presents a very large building facing the streets. Discussion ensued over the merits of flipping the preferred concept, placing more open space above Taylor or whether the interior courtyard solution was OK. Why not explore more courtyards vs. one large courtyard?

There was general agreement that the massing was not quite right yet. Vertical modulations should be explored such as stepping the massing down to increase access to the southern sun. More refined studies should be done to explore breaking up the monolithic structure on Taylor Ave N, including showing more modulation to break up the 360' long façade and to provide

more variation. The architect needs to show more graphic exploration on how to achieve the “5 buildings” concept that was mentioned as a goal of the project design. More studies should be done to show how an urban building holds to the street including more on the role of landscaping.

The Board is not convinced of the desirability of having only one residential entry for the upper apartment units, and wants to see studies showing a design option with more residential entries on the street. They also thought there was opportunity to do more with the live-work design to enliven the street, and want the architect to play up the live-work element in their design presentations.

The Board felt that the level of design shown may have gone to far on the one hand and not shown enough architectural alternatives on the other hand to fully convince the Board of their proposed direction.

ANALYSIS - DESIGN REVIEW

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 siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily & Commercial Buildings,*” November 1998, of highest priority to this project.

<u>Guideline Priorities, Board’s Comments/Guidance and Applicant’s Response¹</u>	
A. Site Planning	
<p>A-1 Responding to Site Characteristics—The siting of buildings should respond to specific site conditions and opportunities.</p> <p>A-3 Entrances Visible from Street—Entries should be clearly identifiable and visible from the street.</p> <p>A-4 Human Activity—New development should be sited and designed to encourage human activity on the street.</p> <p>A-6 Transition Between Residence and Street—The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.</p> <p>A-7 Residential Open Space—Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.</p> <p>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.</p>	<p><i>The Board would like to see the design develop more usable community outdoor open space with the provision for view opportunities into some of the usable open spaces of the residents.</i></p> <p><i>The usable outdoor open space needs to be studied more and blended into the public realm.</i></p> <p><i>The design quality of the southern end of the structure is very important and the design team should consider that it is setting the stage for the future architectural expression along Denny Way.</i></p> <p>Response by the Applicant: The Taylor Ave N residential entrance is centrally sited on the building to provide a clear and direct relationship to the street and encourages an “eyes on the street.” A large central residential entrance marquee conveys a sense of presence/hospitality by providing pedestrian cover.</p> <p>The covered entrance provides an identifying marker and creates a transition space between public and private space.</p> <p>The spatial arrangement of “semi-public” functions—such as the entrance lobby, the common open spaces—reinforces a steady progression from public to semi-public to private in the experience of moving through the building.</p> <p>A generous paved plaza area is proposed along Taylor Ave N, outside the commercial space to encourage a neighborhood gathering area.</p> <p>Commercial visibility is maximized by the use of storefront window systems and the building’s commercial marquee’s meets the street in an open and inviting manner.</p>

¹ Presented at the recommendation meeting on January 4, 2006 and found within the Master Use Permit plans.

<p>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.</p> <p>A-10 Corner Lots—Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.</p>	<p>The east-facing open space at Level 2 is created by pushing the residential building’s massing toward Taylor Ave N. Also, by concentrating as much open space as possible at the concrete slab construction, the open space can support a higher occupancy load, better materials such as heavy concrete pavers, and more substantial landscaping. Other open space is provided as large east-facing balconies and large private roof decks for some units.</p> <p><i>The Board questioned having the two parking garages, but understood the functionality and reasoning behind them, due to the grade change and site depth.</i></p> <p><u>Response by the Applicant:</u> The parking garage entrances are via Taylor Ave N and John St. The Taylor Ave N entrance has been pushed as far south as possible to separate the main pedestrian entrance on the North and from the automobile access point.</p> <p><i>The Board emphasized the importance of the southwest corner of the site. This corner is the gateway corner that will be seen when traveling on Taylor Ave N and Denny Way.</i></p> <p><u>Response by the Applicant:</u> The building addresses the corner by having the commercial portion project out from the building base, creating a sheltered commercial corner entrance at the SW corner of the site, and emphasizing the north-south and east-west orientation and flow of traffic on Taylor Ave N and Denny Way.</p> <p>Residential units located above the commercial spaces are laid out so the corner space is occupied by active rooms, which gives the building corner a more lively appearance.</p>
<p>B. Height, Bulk and Scale</p>	
<p>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.</p>	<p><i>The Board noted at this site is has a very long (~360’) frontage on Taylor Ave N. The alternative schemes for Site A all present a concept for one structure. The preferred scheme particularly has a long monolithic façade facing Taylor, with a large triangular notch proposed at the single residential entry. The Board noted that a monolithic structure could work if the structure read as multiple buildings, in which case, multiple entries should be used to reinforce the breakdown of the length and mass. Monolithic does not have to mean monotonous. Providing a good array of detailing will also help, and including vertical modulations should be explored and shown at subsequent meetings.</i></p> <p><i>The applicant showed an alternative for the whole block development to reinforce the location of the open space on Site A and Site B. This graphic showed two “E” shaped symmetrical forms with the open portions facing the alley and providing two major outdoor open space areas on the roof of an above ground parking deck.</i></p> <p><u>Response by the Applicant:</u> The building massing is pushed toward the north and Taylor Ave N to minimize impacts on adjacent residential properties.</p> <p>The bulk of the project is also concentrated to allow views for the residents to be unobstructed. It also concentrated to the west to provide a more sensitive transition to the long-term neighbors to the east (see A-5, Respect for Adjacent Sites).</p>

C. Architectural Elements and Materials

C-2 Architectural Concept and Consistency—

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

C-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.

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 the building.

The Board wants the design to break up the structure on Site A into the appearance of multiple buildings. The top of the structure facing Taylor should be differentiated both vertically and horizontally to create a more human scale. Explore creating higher floor to ceiling spaces for the top floors to add vertical modulation, particularly at Denny Way; show a variety of parapet heights and cornice detailing to reinforce the design objective of creating an appearance of multiple buildings.

Relative to C-5, the Board wants to see a design that uses the alley as much as possible. If any curb cuts are proposed on John St or Taylor Ave N, the design should consider doing more than one door and separating the in and out drives and doors.

The Board urged the applicant to come up with their own architectural style for the project, as the styles of the surrounding structures are not cohesive and leave something to be discovered.

Response by the Applicant: The massing of the project reflects a functionalist approach to fenestration, with flexible commercial spaces having large areas of glazing and residential spaces having windows scaled to the residential function they relate to.

The project massing responds to emerging development by articulation of the commercial base and articulation at the residential levels to break up the building mass so it better relates to varying uses. Structural elements blend together in various forms with commercial and residential materials and functions. Other materials to be included in the project consist of metal siding and exposed metal and wood detailing, as well as fiber board articulated in some locations, again in an effort to blend commercial and residential styles.

The commercial base is expressed differently from the upper residential levels in materials and scale/type of windows, but the façade is unified by aligning repetitive elements.

Building bays add modulation and express verticality; the building siding and form turn the corner in an expressive manner. Undulation emphasizes the importance of the “5th elevation” for these projects, as the roof forms will be seen by traffic traveling along Taylor Ave N. Exposed structural elements enhance the idea of the roof forms floating above the building yet still being a part of the structure.

Durable materials, such as painted concrete, metal siding, and cement board are incorporated into the project. Project details the use of steel marquees.

Marquees, plant hangers and street-level lighting are provided. Concrete expression includes reveal patterns to give a sense of human scale. Streetscape includes plantings and pavers.

D. Pedestrian Environment	
<p>D-1 Pedestrian Open Spaces and Entrances—Provide convenient, attractive and protected pedestrian entries.</p> <p>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.</p> <p>D-5 Visual Impacts of Parking Structures—The visibility of all at grade parking structures or accessory parking garages should be minimized.</p> <p>D-7 Personal Safety and Security—Project design should consider opportunities for enhancing person safety and security in the environment under review.</p>	<p><i>The Board members were generally pleased with the amount of pedestrian comfort and interest conveyed in the conceptual treatments of Taylor Ave N and John St and encouraged the developer and architects to work with the City staff to get an early indication of whether the range of the proposed expansion of the sidewalk area into the Taylor Ave N right-of-way feasible or not. As presented, the proposed level of the street level amenities constitutes a major part of the design concept. The applicant should develop ideas for how this space should be programmed to demonstrate how the space in the right-of-way relates to the proposed ground level retail uses. The architects should provide a graphic design study showing an alternative with residential entries on Denny Way and multiple locations on Taylor Ave N and John St.</i></p> <p><i>Site landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive, inviting, and usable inner courtyards. The applicant should develop graphic plans and sketches to show what the fall back design would be if the full extent of the proposed amenities in the right-of-way is not feasible.</i></p>
E. Landscaping	
<p>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.</p> <p>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.</p> <p>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.</p>	<p><i>The Board enthusiastically supports the proposed landscape/public amenity/open space proposal for Taylor Ave N and John St. The proposed plan should attempt to use as much of the right-of-way as possible to create outdoor open space in the right-of-way. The Board feels that this type of planning can mesh with the various potential developments in the area such as lidding Aurora Ave N, the Blue Ring connections, Green Streets and the Potlatch trail.</i></p> <p><i>Site landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive, inviting, and usable inner courtyards. The applicant should develop graphic plans and sketches to show what the fall back design would be if the full extent of the proposed amenities in the right-of-way is not feasible.</i></p> <p><u>Response by the Applicant:</u> Tammy Frick of Mithun presented an analysis of the bigger context, noting icons in the area such as the Pink Elephant, Denny Way Park, south Lake Union Park, the monorail, Denny Way arterial. She noted City plans and studies like the Blue Ring open space network and the location of the Potlatch Trail proposed to link Lake Union to Seattle Center and Downtown. She pointed out that the City may abandon Broad Street for vehicles and potentially that Route 99 (Aurora) could be sunk and bridged from Denny Way to Roy. City Design staff have looked at the potential for John St to become Green Street in the future.</p> <p>For the site, she envisions a “Plaza Street” on Taylor Ave N to create a public space largely in the public right-of-way. Drawings showed a widened public sidewalk up to 24 feet with parallel parking in the right-of-way to replace the current angled parking. The additional setback proposed at the structure’s entry on Taylor Ave N would create a seamless plaza with opportunities for indoor/outdoor retail operations. The applicant has met with SPU and DPD staff to discuss feasibility of developing rain gardens and Stormwater treatment on site, and intends to continue working with SDOT and DPD in pushing the curb line out into Denny Way and John St.</p>

Departures from Development Standards:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). The applicant indicated that they are seeking departures from the following Land Use Code development standards:

DEVELOPMENT STANDARD DEPARTURE Matrix			
DEVELOPMENT STANDARD REQUIREMENT	REQUEST/ PROPOSAL	JUSTIFICATION	Board's Recommendation
<p>Open Space Standards. Equal to twenty (20) percent of the structure's gross floor area in residential use. SMC 23.47.024A and B.</p> <ul style="list-style-type: none"> Requirement: 20 % equals 22,000 sq.ft. for Site A 7,877 sq.ft. for Site B 	<p>~13 % 14,104 sf for Site A ~10 % 4,027 sf for Site B</p> <p>(by departure—for decks less than 600 sq.ft. in area) see MUP plans for details.</p>	<ul style="list-style-type: none"> Concentrates common open spaces to an area above the commercial base. Plus, provides private open space in the form of balconies/decks for the residence tower. Maximizes exposure of residential units to light/air & common courtyards. Creates an efficient layout for the residential units. 	<p>Approval of the design based on <i>Guidelines</i>— <i>A-1, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, B-1, C-2, C-3, C-4, C-5, D-1, D-2, D-5, D-7, E-1, E-2, and E-3.</i></p>
<p>The residential portion of a structure shall be limited to maximum lot coverage of sixty-four (64) percent. SMC 23.47.008D</p> <p>64% equals 24,935 sq.ft. for Site A and 8,312 sq.ft. of Site B.</p> <p>Note: Lot Coverage Exceptions. The first 4' of horizontal projection from a principal structure of unenclosed decks, balconies and porches. SMC 23.45.010C.6.</p>	<p>69 % 26,861 sq.ft. for Site A</p> <p>71% 9,244 sq.ft. for Site B</p>	<p>The increase lot coverage offers—decks/balconies with a minimum of 6' of depth and creates well-designed common/private open space (see comments below).</p>	<p>Approval of the design based on <i>Guidelines</i>— <i>A-1, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, B-1, C-2, C-3, C-4, C-5, D-1, D-2, D-5, D-7, E-1, E-2, and E-3.</i></p>

Public Review and Comment Periods

Two Design Review meetings were held on these proposals and included opportunities for the public to comment; Early Design Guidance meetings were held on May 4, 2005 and the Recommendation meetings were held on January 4, 2006. At the Early Design Guidance meeting a representative of the Seattle Housing Authority commented that they have their central office headquarters nearby on 6th Ave N, and that they have had several proposals for development on their block. He noted that traffic circulation is a real issue in this area. He supports the widening of the pedestrian sidewalks, particularly on John St which currently lacks any pedestrian activity. He thinks improving pedestrian access to Seattle Center is a good idea.

Other public comments are incorporated into the design guidance priorities noted below and touched on the following—vehicle circulation, pedestrian access/activity/safety, structure bulk and scale, landscaping/open space and construction impacts.

Public notice of the Master Use Permit (MUP) project applications were given on September 23, 2005. The public comment period ended on October 26, 2005. DPD received no written comments on this proposal. The project file is available at the Public Resource Center (<http://www.seattle.gov/dpd/prc/>) located at 700 Fifth Ave, Suite 2000.

Board Recommendations

After considering the proposed design and the projects context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members agreed that the design has successfully addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans (*Based on Guidelines— A-1, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, B-1, C-2, C-3, C-4, C-5, D-1, D-2, D-5, D-7, E-1, E-2, and E-3*). The identification of these particular guidelines does not imply that other, nonprioritized guidelines may not be called upon in the ultimate decision-making regarding this proposal.

Analysis & Decision—Design Review

The Director of DPD has reviewed the recommendation of the Design Review Board members present at the Design Review meetings and finds that their guidance is consistent with the City of Seattle Design Review Guidelines for multifamily buildings. The Master Use Permit (MUP) plans have been updated to incorporate the Board's guidance and the requested design departures.

DECISION – DESIGN REVIEW

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, four of the five Design Review Board members present, unanimously recommended approval of the subject design.

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings* (November 1998).

Therefore, the proposed design and departures are **APPROVED** as presented at the January 4, 2006 Design Review Board meeting.

CONDITIONS

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

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated September 23, 2005) and annotated by the Land Use Planner. The information in that checklist, supplemental information submitted by the proponent and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA

Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) 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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

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

Short-Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

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

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

Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget

Sound Clean Air Agency regulations will require activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; and truck loads and routes will be monitored to minimize dust-related impacts.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise-Related Impacts

Although compliance with the Noise Ordinance (SMC 25.08) is required, due to the presence of nearby uses, additional measures to mitigate the anticipated noise impacts are necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is warranted. Therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day).

This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

Excavation

Excavation of 25,616 cubic yards of material on the sites will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils and the underground storage tank on site identified in the environmental checklist will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340) and other applicable state and local regulations. Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Traffic and Circulation

Site preparation would involve removal of the existing buildings and asphalt pavement and excavation for the foundations of the proposed buildings and below grade parking garages. Approximately 25,616 cubic yards of material would be excavated and removed from the sites. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

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

Long-Term Impacts

Potential long-term or use impacts anticipated by this proposal include: the loss of a historical/cultural structure, increased bulk on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

Historic Preservation

Preservation of historic buildings in the City of Seattle is important to the retention of living sense and appreciation of the past. Due to the age of the Teamster's Building, the applicant requested a decision be rendered from The City of Seattle Landmarks Board as to whether or not the building should be designated as a historical landmark. The applicant has provided documentation from the Landmarks Preservation Coordinator; dated September 8, 2006 that states the Landmark Preservation Board rendered a vote to deny landmark designation to the Teamster's Building (at 522 Denny Way). Therefore, no mitigation pursuant to SEPA is warranted.

Archaeological

There is no surficial evidence to indicate that any archaeologically significant resources exist on-site and would be disturbed by the project. However, the Seattle Commons EIS stated that archaeological "resources would likely be located in a historical fill zone ranging from approximately one to four blocks wide along the alignment of Westlake Avenue; a wider fill zone is near the lakeshore of Lake Union."

If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures would apply:

- Work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;
- The City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAH) would immediately be contacted; and
- Regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Otherwise, the project will not have any significant adverse impacts on archaeological resources.

Shadows

For limited periods of the day, some adjacent properties and roadways may not receive as much direct sunlight as they currently experience, due to shadows cast by the six-story buildings. These adjacent properties include: the one-story commercial bank and associated parking to the east and southeast; and one-story office across John St to the north.

As indicated in the shadow study details, shadows from the proposed building would extend to portions of John St and Taylor Ave N, primarily during the early morning hours at various times of the year, particularly during the winter. However, these shadow impacts would not be expected to be significant, given the limited times of the day that such shadows would occur on the roadway. The anticipated shadow impacts from the proposed project would be typical of other mid-rise development in the area and, therefore, not a significant impact.

Public View Protection

It is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1 of the Environmental Policies and Procedures (SMC 25.05.675 P). The proposed project would not impact views of the significant natural and human-made features noted above from the specified viewpoints. The proposal would appear as a continuation of the intensification of development in the Lake Union area from these viewpoints.

The following streets in the site vicinity have been designated as scenic routes: 4th Ave, 4th Ave N and Broad St, Fairview Avenue N. and I-5; several blocks east of Taylor Ave N, portions of Dexter Avenue N. and Aurora Ave N. are also designated as scenic routes. In the site vicinity, I-5 and Aurora Ave N. are elevated roadways from which territorial views of Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Puget Sound, and Lake Union are possible. Views from Dexter Ave N., Fairview Ave N and Westlake Ave N are primarily of Lake Union. The predominant views from Mercer St are of the Puget Sound and the Olympic Mountains.

Under the proposed project, the existing sidewalk on the north, south and west sides of the site would be rebuilt to, thereby preserving the views toward Space Needle, Olympic Mountains, and the downtown skyline. Views toward the Space Needle would be enhanced with the proposed sidewalk improvements and landscaping along Taylor Ave N and John St. The proposal would not impact views of significant natural and human-made features from the other scenic routes listed above. Views of the Space Needle from these locations would not be impacted by the proposed project.

The City's Public View Protection policies also protect public views of historic landmarks designated by the Landmarks Preservation Board. The proposed project would not impact public views of any landmarks.

Therefore, the project has no significant impact on public viewing places.

Traffic and Transportation

The application materials provided includes a Transportation Impact Analysis prepared by Heffron Transportation. This report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project, and evaluates the impact of these new trips on the level-of-service of intersections in the study area.

In project year 2008, the project will generate approximately 490 new daily vehicle trips to the surrounding street system, including 27 during the PM peak hour. The project will increase traffic delay at most nearby intersections by 1.5 seconds or less during both the AM and PM peak hour and cause no change in Level of Service (LOS). Of the six studied intersections, one movement at one intersection, the westbound approach to 6th Ave N/John St during the PM peak hour, would be degraded from LOS B to LOS C, if the project is built. However, this movement will have been degraded from LOS B to C by 2008 regardless of whether the project has been constructed, based on the anticipated traffic making turns at the intersection of 6th Ave N/John St.

The anticipated traffic impacts from the proposed projects are minor to other developments in the area and therefore are not a significant impact.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-line evaluated in the Heffron analysis indicates that the proposed project would not change the level of service standards. Therefore, the proposed project would meet the City's concurrency requirements, and no improvement would be required.

Parking

Site A (2501342) is a full half block site and **Site B** (2505931) is on the northern portion of the half block to the east. The full half block site is bounded on the south by Denny Way, by John St on the north, on the east by the alley, and on the west by Taylor Ave N. Site B is bound by 6th Ave N on the east, John St on the north, the alley on the west, and on south by property occupied by a bank and its parking lot.

The proposed development will provide approximately 264 parking spaces, 3 levels at and below grade. The project will eliminate a surface parking of approximately 62 spaces, resulting in a net on-site parking increase of 202 spaces. Based on the Seattle Parking Code and Land Use Code, the proposed development is required to provide 197 parking spaces for the residential portion of the development; one space for each multi-family dwelling unit, pursuant to SMC 23.54.015 Chart A. The general retail sales and services uses are required one space per 350 square feet of gross floor area (minus a 2,500 square foot waiver and a 7,500 square foot area reduction along Class II pedestrian streets, pursuant to SMC 23.54.015E and 23.48.032D.1.) resulting in three (3) required parking spaces.

The 261 spaces for 197 residential units reflect a parking ratio of 1.32 spaces per unit. Based on other downtown residential projects, this ratio is adequate to accommodate the project's residential parking demand. Any excess demand generated by the retail uses can be accommodated in nearby on-street parking spaces.

Other Impacts

Several codes adopted by the City will appropriately mitigate other long-term adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

DECISION - SEPA

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

CONDITIONS – DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting. The proponent must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on January 5, 2005.
3. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved. Embed updated colored elevation drawing in MUP plans and all subsequent Building Permit Plans.
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 drawings¹. Call out on the appropriate plan sheets where and what departures have been granted.

¹ Colored drawings to be embedded into the updated MUP plans and all subsequent building permit plan sets.

CONDITIONS – SEPA

Prior to issuance of a Demolition Permit

5. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.
6. The proponent shall submit a construction-phase transportation plan to Seattle's Department of Transportation (SDOT) to address street and sidewalk closures, as well as truck routes and hours of truck traffic, to mitigate pedestrian and vehicle circulation impacts between 8:00am to 10:00am and 4:00pm to 6:00pm².

During Construction

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

7. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day).
8. The sidewalk along the project site shall be kept open and safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition.
9. Comply with the limitations contained in the approved construction-phase transportation plan.

Signature: (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: October 23, 2006

² To be reviewed, approved and administered by Seattle's Department of Transportation (SDOT).