



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

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

Application Number: 3005322

Address: 1405 Dexter Ave. N.

Applicant Name Clayton O'Brien-Smith for Pryde Johnson, LLC

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a seven story apartment building with two basement parking levels. The mixed-use project includes 49 residential units, 3,039 sq. ft. of retail space and parking for 56 vehicles (five on lifts) within the building. Existing structures to be removed.

The following approvals are required:

Design Review – Chapter 23.41, Seattle Municipal Code.

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

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

BACKGROUND DATA

Site and Vicinity

The proposal site is located at the north east corner of the intersection Dexter Avenue N. and Lee St. It is a corner site, 12, 826 sq. ft. in area. Net dimensions are 106 feet wide, (north south on Dexter Avenue N) 121 feet east-west (Lee frontage). The site slopes up to the west. From the corner, grade is about 12.5% on Lee, about 2.5% slope on Dexter. Lee St. does not go through to the West to Aurora, accessing only parking areas uphill, nor does Lee St. continue to the east across Dexter. The existing structure on the site is a one to two story commercial building dating from the 1920's , of about 10,000 sq. ft. footprint, with multiple curb cuts on Dexter, diagonal parking on the unimproved Lee St. right of way.

Zoning Seattle Mixed 65'. All adjacent sites are zoned Seattle Mixed. The site is located on the east flank of Queen Anne hill, below Aurora Ave. N., fronting on Dexter, a north-south arterial. The surrounding blocks include an office building to the south, the Nautica Condominium building to the north and a sewage pumping station mid block to the north. Across Dexter are several office buildings including the Casey Family offices and WRQ headquarters a block to the north.

Proposal

The proposed project consists of demolition of an existing 1-story auto body / repair shop and construction of 49 residential condominiums on 6 floors over 1 floor of ground level commercial space, residential lobby, parking access and service spaces. Two levels of secure below grade parking are provided for residential and commercial use. Parking is accessed from Lee Street. Both Dexter Avenue N and Lee Street frontages are to be improved with new curbs, sidewalks, planting strips and street trees. Proposed construction covers most of the site with residential levels set back from the north and south property lines. Private balconies and two landscaped roof terraces will be provided for use by residents. A summary of the uses and the size of each is listed below:

<u>Use</u>	<u># Units / Spaces</u>	<u>Total GSF</u>
Residential	49 units	55,496
Residential Lobby	1	1,291
Commercial	2	3,039
<u>Parking</u>	<u>53.5 (interior-56 actual)</u>	<u>25,523</u>
Total		84,987

Proposed Departures:

- 1. Façade Transparency:** Reduce 22% transparency requirement along Lee Street to 19%. Compensate by providing a minimum of 80% transparency on Dexter.

Rationale: Steep slope of site obscures majority of Level 1 façade west of garage entry. Dead-end condition of Lee Street limits pedestrian activity reducing need for transparency. Refer A-001 for more information.

- 2. Sight Triangle:** Eliminate requirement for unobscured 10' sight triangle at garage exit. Proposed design to have structural column in sight triangle to provide structural support and maintain rhythm of exposed concrete frame at lower levels. Exposed concrete frame forms 25 ft. base requested by the Design Review Board to comply with South Lake Union Neighborhood Guidelines.

Rationale: Since Lee Street dead ends at the west edge of the sight, pedestrian traffic on the Lee Street sidewalk west of the garage exit is unlikely; therefore, strict adherence to the site triangle does not seem necessary.

DESIGN REVIEW BOARD – DESIGN PRIORITIES

First DRB Meeting – June 1, 2005

PUBLIC COMMENTS:

Public comment received ranged from basic interest in the proposal to concern about impacts as viewed from existing condominium units in the Nautica building to the west and as viewed from uphill. The owner of the adjacent property to the north of the subject site indicated they were likely to build the project authorized by an issued MUP on that site. He further stated he is willing to share design ideas, especially about sharing driveway access on Dexter Ave. N. Another person, the owner of the property to the south, expressed general support for the project and indicated the trash and recycling areas should be carefully designed.

PRIORITIES:

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 and Commercial Buildings*" and in the proposed "*South Lake Union Neighborhood Design Guidelines*" of highest priority to this project. The identified priorities were agreed to by all four of the Board members present, unless otherwise noted. While the notes below indicate the area the Board found most important, all of the Guidelines for Multifamily and Commercial Buildings continue to be applicable.

Board Discussion: "Hot Buttons"

The Board began their deliberations with a discussion of their major issues which they termed their "hot buttons." These were as follows.

Garage Access

Explore options to enter from Lee only or a shared curb cut to minimize impact on the Dexter pedestrian environment and bike path. The project to the north has no option for its curb cut location. This Board reviewed a similar project, and eventually allowed Dexter Curb cut (for a single, reduced width door as a departure). The Garfield tower for example has three single cuts, two on the side street. The Board wants to see an option laid out of Lee only option. **Try to avoid curb cut if possible to get good commercial spaces on Dexter. The Board encourages shared curb cut.**

Back Façade

Blank walls are to be avoided. Stepping the mass back is encouraged. The design could also have perpendicular residential openings. The Board prefers scheme 'C' as it allows for more light and air for adjacent properties on north and west sides. They also have no problem with scheme 'B'.

Corner at Dexter & Lee

Celebrate the corner. Articulation is important. Board thinks there should be a base expression consistent with 25' façade requirement on Dexter.

Open Space Requirement

Decks adjacent to individual units are good, often used open space. Roof Landscape would be good for Nautica residents as it could create an appealing outlook to uphill residents.

Check List

A. Site Planning/Items A-1 through A-10

Scheme 'B' and 'C' will likely result in better architecture. Providing west and north set backs is desirable. Direction desired is a combination 'B'+ 'C' with respect for adjacent sites. Enhancing human activity on Dexter is a key goal of the neighborhood that will make or break the area. "A burgeoning community" must be developed. The nearby Casey property is for sale. Anything which can soften bulk and scale impact on adjacent properties is encouraged. At the next meeting: Show adjacent MUP proposal on drawings. The Board does not favor creation of a driveway onto Dexter Ave. N. unless it is combined with the planned driveway immediately adjacent to the west (for the MUP permitted mixed use building there).

B. Height, Bulk and Scale/Item B-1 Height and Scale

The Board is less concerned about height than bulk. Be sensitive to surrounding buildings. Be aware of spacing to building to North and provide 'breathing room' for light and air. These two facades could be up to 20' apart. There is possible application of a 20' height bonus for mechanical equipment within the structure; subject to interpretation- see project on the Bargreen's site in the Cascade Neighborhood.

C. Architectural Elements and Materials/Items C-1 through C-5

Emphasize commercial character and a more residential loft style. Possibly this would be not so much glass and steel but more than punched windows. This is a challenging street with some but not much precedent; so set a good example for future development. The Board would like to see as much commercial character on the street as possible. The Board hopes there is enough density in the immediate area to support commercial uses. Put in a chase for restaurant venting.

The Board supported 'larger' live/work units if enough room to work as a possible alternative to a straight commercial use. Still they prefer pure commercial usage. Materials: Base – "It'll be concrete." Concrete can be done quite well as an exterior material of a base of building. Maximize openings, express concrete frame. The Board is more inclined to support metal siding than stucco. One Board member felt the corner at Lee St. is not an important corner because Lee is a dead end. Others felt the corner would be visible and should be carefully considered.

D. Pedestrian Elements/Items D-1 through D-7

Blank walls should be avoided at sidewalks. Lobby and retail entry elements are important and need to be well expressed. Lee St. is sloped and does not go anywhere so a potential blank wall is less significant there than on Dexter Ave. N. Screen dumpsters and parking. Security is a concern, especially for residents near grade.

E. Landscaping/Items E-1 through E-3

The pattern so far for new sidewalks along Dexter has been street trees in tree wells without planting strips. Tree pits with grates (vs. planters) will support the commercial character on Dexter. Landscape on Lee ROW will be important. Trellis/green up the west side setback. Incorporate signage into architectural elements especially at corner.

Board's Closing Comments

Need another EDG before final DR, not enough to go on yet. Talk more about LEED® certification measures. Provide site section including Nautica and properties across Dexter. Proposal of building to north is critical and needs to be show on drawings. Talk to adjacent property owner about shared parking access. "Liven it up". Neighborhood needs added character and more eclectic, high energy, bold design!

Second Early Design Guidance meeting – July 6, 2005

At this meeting three alternative parking access schemes were presented: one from Dexter Ave. N., one from Lee St. and one from both. The Board strongly favored the single access from Lee St. Other discussion focused on whether there was an absolute ADA based need for elevators to the open space on the higher of the two proposed roof-top decks as these penthouses interrupt views from the Nautica building. The Board endorsed the use of metal siding elements and indicated that stucco should be held to a moderate amount.

DESIGN REVIEW BOARD – RECOMMENDATION

PUBLIC COMMENT

Public comment centered on measures which could be taken to reduce the amount of view blockage and noise impacts which would be caused to residents of the Nautica Condominiums.

RECOMMENDATIONS:

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions and departures, and reviewing the plans, drawings and model showing the proposed revisions, a quorum of the Design Review Board recommended **approval of** the subject **design and design departures** mentioned below as revised with the following **recommended conditions** (all recommendations were by all five

members agreeing, unless otherwise indicated). The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans on file at DPD.

General Discussion

The Board finds that the location of all auto access on E. Lee St. is a very positive element of the design which must remain in the building constructed.

In general the proposed building is found to well be the Seattle Design Guidelines, in particular those identified in the early design guidance given for this proposal.

The Board Recommended Approval of the Following Departures:

- 1. Transparency in South Elevation:** The amount of transparency in the ground level of the south elevation shall be lowered from 22% to 19%.

Rationale: The steep slope of this side street makes strict adherence to the rule impractical.

- 2. Elimination of Driveway Sight Triangle:** No vehicle related sight triangle shall be required for the driveway on E. Lee St.

Rationale: Since Lee Street dead ends at the west edge of the sight, pedestrian traffic on the Lee Street sidewalk west of the garage exit is unlikely; therefore, strict adherence to the site triangle does not seem necessary. Preserving the rhythm and structural practicality of column placement is made possible.

- 3. Reduced Residential Amenity Area:** The amount of residential amenity space is reduced from 5% to 4% of gross residential floor area (from 2,839 sq. ft. to 2,444 sq. ft.

Rationale: Removal of roof top residential amenity space from the higher (western most) roof top increases privacy for adjoining residential uses and lessens height, bulk and scale impacts by eliminating stair and elevator penthouses from the upper roof.

The Board Recommendation:

The Board recommended approval of the proposal and of the departures listed above with the following recommended conditions.

5. The high quality of materials and finely resolved architectural expression proposed at the October 4, 2006 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.
5. Auto access shall be from E. Lee St.

5. Open space shall be removed from the western most, higher, roof top and there shall be no elevator exit (minimal elevator override) or stair penthouses on this roof element.
5. The applicants shall further explore the manner in which trash and recycling pick up will take place at the building with the possible inclusion of a landing area along E. Lee Street.
5. The west building elevation shall be redesigned to make it more compatible with surrounding uses, eliminate false medallions, introduce accent colors and create an elegantly simple façade to be approved by DPD staff.
5. Sound baffling shall be designed to minimize sound impacts from rooftop HVAC equipment on surrounding properties.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Director has analyzed the Board's recommendations pursuant to SMC 23.41.014.F.3. Based on the rationale provided in the foregoing discussion and review matrix, the Director agrees with the findings and recommendations of the Board concerning the project.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed Project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required 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 regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for specific elements 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 pertinent part that “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, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, including a SEPA Checklist, Soils Report and a Historic Resource Assessment, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the Project. The potential environmental impacts disclosed by the environmental checklist and the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle's SEPA Ordinance (SMC 25.05).

Short-Term Impacts

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances. Specifically these include the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Air Quality

Construction activities associated with the Project could generate temporary, localized increases in ambient concentrations of suspended particulates, including fugitive dust and vehicular emissions. While adverse, these impacts are expected to be temporary in nature and largely controlled by existing laws and regulations. Dust is expected to be controlled by provisions of the Seattle Stormwater, Drainage and Grading Code and by the Seattle Street Use Code. Vehicular emissions are regulated by the Puget Sound Clean Air Agency.

Given the age and size of the existing building to be demolished, it appears possible that asbestos is present in some form and that this could become airborne, if not properly removed, causing a health risk in the area. If the regulations enforced by the Puget Sound Clean Air Agency are properly followed it is unlikely the presence of asbestos will create any harm. In order to help insure that these regulations are followed, the Project will be conditioned to require that a Notice of Intent be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the Project site.

Noise

The proposal site is located adjacent to a downtown/commercial area where construction of this scale could impact the noise levels. Several residential buildings exist abutting the property and in the nearby vicinity. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction which involve excavation, concrete pouring, steel erection or framing carpentry to between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and from 9:00 A.M. and 5:00 P.M. on Saturdays.

Historic Resources

A building existing on site, constructed in 1920, is proposed for demolition. A Historic Resource Assessment by the Sheridan Consulting Group, dated June 2005, was sent to the Office of Historic Preservation of the Seattle Department of Neighborhoods. That referral resulted in a staff determination that the building would be unlikely to meet the standards for designation as an individual historic landmark.

The US Government Meander Line 400 foot buffer, as mapped in the City GIS mapping system, encroaches approximately 40 feet into the southwest corner of the proposal site. The Meander Line is used pursuant to SEPA policy authority as elucidated in Director's Rule 2-98 to condition projects where excavation may disturb archaeologically significant resources.

The proposal site is on the edge of the 400 foot mapped buffer and at an elevation approximately 50 feet above the current elevation of the location of the historic shoreline of Lake Union. At the time when early inhabitants of the area may have located near the shores of Lake Union the hill above to the west would have been heavily wooded. It is unlikely these early inhabitants would have traveled far from the waters edge in the westerly direction as this would have lead steeply uphill through the woods on the side of what is now known as Queen Anne Hill. In a situation such as this were there a proposal site is within the US Government Meander Line 400 foot buffer but there is no evidence of the probable presence of archeologically significant resources DR 2-98 provides for imposition of a minimum level of SEPA conditioning to insure protection of any such resources which may be encountered as follows.

Prior to Issuance of Master Use Permits:

1. *The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.*

During Construction:

1. *If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:*
 - *Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.*
 - *Abide by all regulations 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 their successors.*

No further conditioning based upon SEPA Historic Resource policies is warranted.

Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of mixed use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below.

Height, Bulk, and Scale

The height, bulk and scale measures were addressed in the MUP and Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675, a Project that is approved pursuant to the Design Review process shall be presumed to comply with the height, bulk and scale policies. There is no clear and convincing evidence that height bulk and scale impacts documented in the environmental review have not been adequately addressed. The proposed building scheme has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

Views

Aurora Ave N. past the site is a scenic route identified in the Public View Protection SEPA Policy (SMC 25.05.675.P) as a location where it is the policy to protect views of Lake Union and other identified natural and human-made features. Lake Union is visible to the east from Aurora Ave. N. at a number of locations. At Lee St. and for the distance between Lee St. and the Nautica Condominium building 53 feet to the north a mix of evergreen and deciduous trees and bushes blocks any views from Aurora Ave. N. to the east. As long as the naturally occurring trees and bushes are left in place views of Lake Union down Lee St. or across the proposal site are very limited. It is likely this vegetation will remain in place as it is almost entirely in street right-of-way for either Lee St. and Aurora Ave. N. or in an area of ECA steep slopes between the driveway into the Nautica and Aurora Ave. N. In fact the current environmentally critical areas laws of the City restrict disturbance or removal of this existing vegetation.

The proposal site is separated from and down hill from Aurora Ave. N. The uphill, western most portions of the site are approximately 41 feet below the elevation of Aurora Ave. N. Across Dexter Ave. N. to the west, towards Lake Union, the Lee St. right-of-way does not continue. Instead there is continuous frontage of property with the same SM 65' zoning as that found on the subject site. Any views along Lee St. which were added to by further building setback or by height reduction would have to be similarly preserved on the east side of Dexter Ave. N. not only to the extent of the SEPA imposed addition setbacks, but also to the full extent of the 60 foot Lee St. right-of-way not present on that side of the street.

The series of factors described above in combination lead to the conclusion that SEPA Public View Protection Policy based is unnecessary an impractical.

Transportation

Minor traffic impacts are to be expected from the proposal. Trip Generation 6th Edition by the Institute of Transportation Engineers provides data indicating a mid-rise apartment building would generate .30 trip ends per unit in the a.m. peak hour of adjacent street traffic and .39 trip ends per unit in the p.m. peak hour of adjacent street traffic. For the proposed 49 residential units these factors predict approximately 15 trip ends in the a.m. peak hour and 19 in the p.m. peak hour traffic period. Because the proposal site is close to employment centers in south Lake Union and Downtown and there is Metro bus service along Dexter Ave. N. to and from these areas, it is reasonable to conclude that some commute trips by residents will make use of public transit, or be conducted by walking or bicycle, further reducing the amount of peak hour traffic generation to be expected from the project, making the ITE based estimates conservative.

Retail or other non-residential uses to be located in the 3,039 sq. ft. of street fronting space in the proposed building are not expected to be occupied by uses which would be major traffic generators themselves. Rather uses in these spaces would be expected to serve persons already in the immediate area or passing by on Dexter Ave. N.

Traffic to be generated by the proposed development is expected to be small in comparison to the capacity of surrounding streets and no SEPA conditioning of traffic impacts is deemed warranted.

Parking

The proposal included parking for 56 vehicles. With 49 residential units to be provided a parking ratio of 1.14 spaces per unit will exist. Experience with multi-family buildings in dense areas close to the downtown has shown that a ratio of 1:1 spaces to units is adequate to balance demand for and supply of parking. It may be that those working in the non-residential spaces in the building will be able to use available parking during business hours when the demand for residential parking is lowest. Transit would also be available for these workers to use in reaching the site.

No SEPA conditioning of parking impacts is warranted.

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).

Based on the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

SEPA CONDITIONS

Prior to Issuance of a Construction Permit

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

1. A Notice of Intent shall be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the Project site.

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.

2. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit periods of construction which involves excavation, concrete pouring, steel erection or framing carpentry to between 7:30 A.M. and 6:00 P.M. on weekdays and to between 9:00 A.M. and 5:00 P.M. on Saturdays.

The Department recognizes there may be occasions when critical construction activities on a critical nature, related to safety or traffic or construction process issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions. Such work must be approved by the Department on a case-by-case basis prior to it taking place.

3. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations 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 their successors.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit

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.
5. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

6. The high quality of materials and finely resolved architectural expression proposed at the October 4, 2006 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.
7. Auto access shall be from E. Lee St.
8. Open space shall be removed from the western most, higher, roof top and there shall be no elevator exit (minimal elevator override) or stair penthouses on this roof element.
9. The applicants shall further explore the manner in which trash and recycling pick up will take place at the building with the possible inclusion of a landing area along E. Lee Street.
10. The west building elevation shall be redesigned to make it more compatible with surrounding uses, eliminate false medallions, introduce accent colors and create an elegantly simple façade to be approved by DPD staff.
11. Sound baffling shall be designed to minimize sound impacts from rooftop HVAC equipment on surrounding properties.

Prior to Certificate of Occupancy

12. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). 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.
13. 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 DPD planner assigned to this project, or by the Design Review Manager.

An appointment with the assigned Land Use Planner must be made at least three (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.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development

Date: February 1, 2007