City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3001242

Applicant Name: Darrell Vange, Ravenhurst Development

Address of Proposal: 1400 South Dearborn St.

SUMMARY OF PROPOSED ACTION

Council Land Use Action for a contract rezone from IC-65 to NC3-85. Proposal includes a 6-story building containing 696,000 sq. ft. of retail, 45,000 sq. ft. of administrative office and 565 residential units in residential towers above the commercial bases. Parking for 2,307 vehicles to be provided within the structures. Project includes demolition of all structures on site and 260,000 cu. yds. of grading.

Design Review approval does not include residential structures above the concrete commercial base. Proposal also includes a request to vacate portions of S. Lane St., Dearborn Pl S, and Corwin Pl S.

The following approvals are required:

Contract Rezone: - To rezone the site from IC-65 to NC3-85 in conjunction with construction of a mixed use building as shown on MUP drawings on file at DPD - (SMC Section 23.34.004).

SEPA - Environmental Determination (SMC Chapter 25.05).

Design Review - (Chapter 23.41. Seattle Municipal Code.)

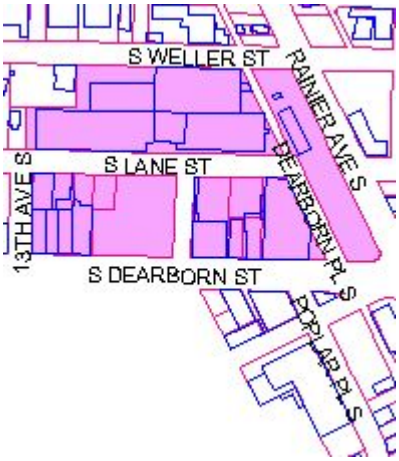
SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS*

[ ] DNS with conditions

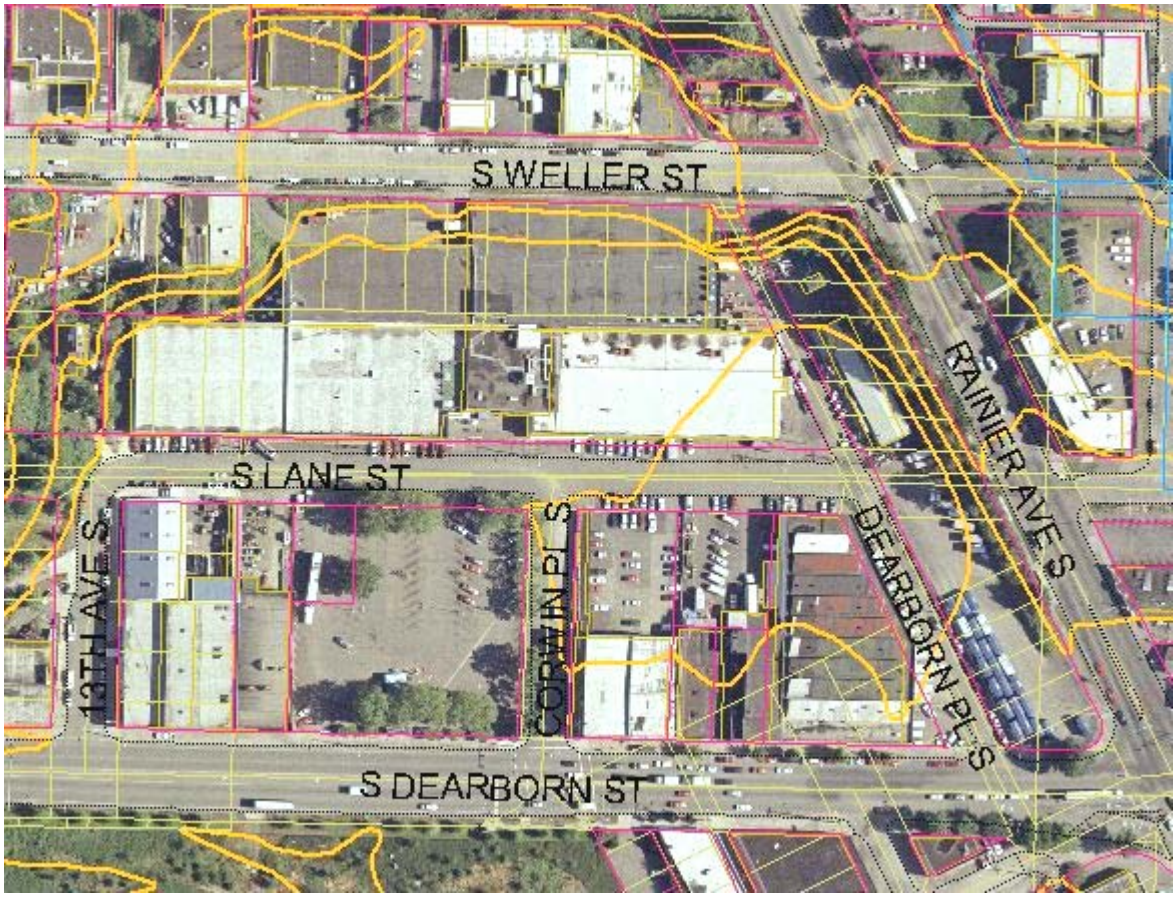
[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

*Supplemental EIS to Dearborn@5/90 EIS dated 2001.

BACKGROUND DATA



The applicant, Darrell Vange for Ravenhurst Development, proposes to construct a 6-story building containing 696,000 sq. ft. of retail, 45,000 sq. ft. of administrative office and 565 residential units (in residential towers above the commercial bases). Parking for 2,307 vehicles is to be provided within the structures. All structures on site will be demolished. Seattle Goodwill Industries would be relocated on site in a new facility. The applicant is seeking a contract rezone of the site from IC-65 to NC3-85, in conjunction with the structure proposed in this Master Use Permit application. In addition, the proposal includes a request to vacate portions of S. Lane St., Dearborn Pl. S., and Corwin Pl. S. The proposal has evolved during a process that involved neighborhood design review and many other meetings with citizens and interested community groups.



The above GIS mapping of the site contains 10 foot contour lines. The S. Dearborn St. elevation is twenty to thirty feet below street grade on S. Weller St.

The project site is located in the Downtown Urban Center's southeastern corner where it adjoins several other urban centers and urban villages. The site is just south of "Little Saigon," which is part of the International District and a neighborhood with a diverse mix of commercial, warehouse and social service uses. The Yesler Terrace housing area is nearby to the northwest. On the hill to the east of Rainier Avenue is the Jackson Place neighborhood. Industrial and commercial uses extend south along Rainier Avenue. The neighborhood between Jackson Street and Dearborn Street includes vacant areas and underutilized structures among active uses.

Zoning of surrounding properties to the north, south and west of the proposal site is the same IC-65' as found on the subject site. Development in these areas is one to three story commercial and light industrial in nature. To the east, across Rainier Ave. S. is the Jackson Place single family neighborhood. Two blocks to the north east, centered at the intersection of 12th Ave. S. and S. Jackson St. is a retail and office area known as "Little Saigon" characterized by one to three story buildings.

The Dearborn Street project site itself and its immediate vicinity are characterized by a transitional mixture of industrial and commercial uses. Though industrial activities such as the brickyard that occupied the project site were once common, the Goodwill site has been out of the industrial inventory for 60 years. The area is separated by distance, freeways and hills from the primary industrial district of south downtown.

The proposed building would consist of a podium of parking and retail stores, and would fully develop the entire 10.25-acre site, including the right-of-way (ROW) proposed for vacation along with privately-owned parcels. The proposal features a new facility (approximately 120,000 sq. ft.) for Goodwill adjacent to the retail space, a grocery store, restaurants, and neighborhood-oriented shops. The site could also accommodate a number of larger national tenants such as a general merchandiser, home improvement store, bookstore, etc. About 2,307 structured parking spaces would be provided to serve the project, as well as approximately 72,000 sq. ft. of structured plazas, private sidewalks, and private streets, internal to the site and open to the public. Atop all these uses, the residential components would appear as seven separate structures resting on the podium.

The above drawing presents a view of the proposed development from the northeast with the intersection of Rainier Ave S. and S. Weller St. in the lower left foreground.

Public Comment

Public notice of a Master Use Permit application for the proposal was published on August 3, 2006 with an initial public comment period running to August 30, 2006. Public comment letters were received and public comment was taken at the eight Design Review public meetings. As part of the preparation of a supplemental environmental impact statement a public scoping meeting was held on December 6, 2005 and a public meeting to receive comment on the DSEIS was held on September 12, 2006. In addition written comments were accepted throughout the period of DPD review of the application. Written comment letters indicate concern over impacts on Little Saigon's cultural and economic vitality, cumulative land use impacts, traffic impacts, land use patterns and changes, affordable housing, a perceived high level of traffic congestion, and the height, bulk and scale of the proposed building. Detailed information on public comments can be found in the FSEIS and in the records of each Design Review meeting available in the MUP file.

ANALYSIS, DECISIONS, RECOMMENDATIONS AND CONDITIONS

I. DESIGN REVIEW – ANALYSIS AND DECISION

ANALYSIS - DESIGN REVIEW

The applicant proposes a particular building and street improvements designed with extensive community and Design Review Board involvement and to enter a Property Use and Development Agreement to build this particular building and adjacent infrastructure improvements. Because this application is for a contract rezone, with approval sought for a particular development proposal, design review is being undertaken prior to the City Council decision. This course will insure that City Council reviews a completed design of the proposed project.

DESIGN REVIEW BOARD DESIGN PRIORITIES

On August 8, 2005 and September 27, 2005, the Design Review Board for Area 4 met in pre-design public meetings to consider the site and the objectives of the applicant. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comments, the Design Review Board members offered early design guidance.

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

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

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

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

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

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.**

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.**

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 facade 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 a building.**

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

D-5 **Visual Impacts of Parking Structures - The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

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

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.**

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

Board Recommendations

The applicant applied for a Master Use Permit with a Design Review component on or about April 4, 2006. Between June 27, 2006 and July 24, 2007, the Design Review Board convened six times for public meetings regarding the project, at which site, landscaping, floor plans, elevation sketches and renderings were presented for the members' consideration. After considering the site and context, hearing public comment, considering the previously identified design priorities, recommended conditions and departures, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended **approval** of the subject design and design departures mentioned below as revised with the following **recommended conditions.** All recommendations were "consensus" recommendations with all members agreeing, unless otherwise indicated. In addition, the authority for the recommended condition is provided by the Design Review guideline(s) referred by letter and number in parentheses after the recommendation. The recommendations summarized below were based on the graphic materials submitted at the meetings. Culminating in the design as presented in the final Recommendation Meeting on July 24, 2007. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the July 24, 2007 meeting.

The final three Recommendation Meetings, July 10, July 24 and August 7 of 2007 each focused on particular elements of the proposal and together compose a recommendation in regard to the proposal.

July 10, 2007 Meeting

At this meeting presentation of materials, public comment and deliberation was organized around the following elements.

A. Design Refinement:
    a. Grocery Corner
    b. Corwin Hill Climb
    c. Canopies Fronting Dearborn St.
B. Signage
C. Material and Color Variety
D. Remaining Design Departures
    a. Driveway and Curb Cut Widths
    b. Transparency Requirement Along Rainier
    c. Truck Loading Along Rainier

The Board addressed the **departure issues first**.
The Board unanimously indicated they were not inclined at this point to recommend approval of the departure request to increase curb cut and driveway width for the **Weller St. loading dock**. They indicated that the presence of this loading dock with it associated truck traffic crossing the sidewalk would degrade the pedestrian experience along Weller St. It creates a barrier between most of the uses proposed and the surrounding area to the north and west. It also isolates the residential entry point for one of the residential components from the remainder of the site. It also brings truck traffic and loading activity to an area of the site which would be better off without it. Two other loading dock areas are proposed to be accessed off Dearborn St. (one by way of 13th Ave.) and it would be better if all of the traffic took this route.

The Board recommended approval of the requested departure from **transparency requirements along Rainier** with four members in favor and one against. They recommended there be an accompanying condition that the areas lacking transparency be treated with high quality architectural materials with artistic interest such as textured stone and landscaping and some display windows.

The Board recommended approval of the requested departure from the prohibition against placing a **loading dock along the Rainier Ave**. street frontage by a vote of four in favor and one against. This loading dock would be mostly below grade and intervening uses are interposed where possible given the changing grade along Rainier Ave. Use of a green wall element and some display cases here, as proposed, was considered appropriate.

The Board next considered the **signage plan** proposed for the development. The Board decided such a plan is necessary for this proposal due to its large size, large tenants proximity to an interstate highway (and the propensity for large signs facing it), highly visible location, the presence of sensitive receptor locations in residential areas to the east, and the design impact adding many signs to the buildings is likely to have.

The applicant presented seven pages of graphic material showing elevation views of the proposal with signage in place. They also showed three pages of specific examples of existing retail signs in other locations as indications of the types of signs which might be used in the proposal. Sign types identified from largest to smallest are: Large Anchor Tenant Signs; Medium Anchor Tenant Signs; Junior Anchor Tenant Signs; Junior Anchor Wall Signs; Shop Signs; Blade Signs; Banner Signs. Individual elevations of exterior frontages of the site were used as examples of signage types and to indicate the maximum number and sizes of wall signs. A summary of these is as follows.

View Along S. Dearborn St.

One Large Anchor Tenant Sign, 720 sq. ft. maximum
Two Medium Anchor Tenant Signs, each 250 sq. ft. maximum
Six Junior Anchor Wall Signs and a Shopping Center Name sign, each 160 sq. ft. max.
Nine Shop Signs, each 80 sq. ft. maximum
Goodwill Signs (one for offices and one for store), each approximately 80 sq. ft.

View Along Rainier Ave. S.

Five Junior Anchor Tenant Wall Signs, each 120 sq. ft. maximum
Five Shop Signs, each 80 sq. ft. maximum
One Shopping Center Sign, 160 sq. ft. maximum

View Along Weller St.

One Large Anchor Tenant Sign, 80 sq. ft. maximum
One Medium Anchor Tenant Sign, 80 sq. ft. maximum
One Junior Anchor Wall Sign, 80 sq. ft. maximum
Sixteen Shop Signs, each 80 sq. ft. maximum

View Along 13th Ave. S.

Two Large Anchor Tenant Wall Signs, each 250 sq. ft. maximum
One Shopping Center Sign, 120 sq. ft. maximum

No commercial or shopping center identifying signs will be placed on the residential structures or their roofs.

The Board unanimously supported this approach to and maximum extent of commercial signage and recommended the project be conditioned to require compliance with it. The Goodwill Store is not prevented from having a reader board sign for which a permit is obtained although no development standard waiver is granted through design review and any such signs would need to comply with sign ordinance limitations.

The Board approved the Canopy Plan showing **additional canopies** along Dearborn Ave.

The **Corwin Hill Climb** beside and above the main vehicle entry drive off Dearborn Ave. was shown in a revised form wherein the path of steps is aligned, rather than jogging, and areas designed for sitting and landscaping areas are now incorporated to the east. The Board approved of this change calling for further refinement of the landscaping of this area which should include some landscaping to soften the edge above the driveway entry.

The **grocery corner treatment** at Rainier and the private Lane St. was approved by the Board as shown in presentation materials with elevated walk and seating areas outside the grocery store of widths varying between eight and ten feet.

The Board found that the use of **colors and materials** to create some differentiation between buildings as presented was adequate. They called for more differentiation between awnings in design, color and materials to be accomplished prior to issuance of a Certificate of Occupancy.

July 24, 2007 Meeting

Residential and Open Space components

The Board discussed the overall height bulk and scale of the 7 residential structures, and with aid of the larger scale topo map noted that the project area is in a bowl, surrounded by higher ground to the north and east and by the landscape buffer and I-90 structure to the south, with commercial structures to the west. Property to the north is industrial now but will be most likely re-zoned to NC with 85 height limits, while the lower zoning across Rainier is uphill. The design has moved the mass of structure back from the Rainier commercial base to create a good scaler relationship, while also creating the Lane Street Plaza midway along Rainier. The design includes a significant set back for structure at the corner of Rainier and Dearborn and the opportunities opened up to the uphill properties for view corridors along Corwin Place and into the site.

One board member thought that structure C was too high above the Weller Street and too high above the pedestrian passageway ("Post Alley") between the east façade of structure C and the lower commercial element on Rainier.

- This area needs to be open to future design refinements to make this passageway a better space.
- The Board recommends approval of the Height Bulk and Scale (A-5, B-1) design of the residential components as shown on the Design Proposal packet dated July24th.

The Board feels that the design of the residential entries to date seems to be a 2nd priority and need to be more studied.

- The Board discussed the residential entry designs and recommended that the weathered copper material should be brought down to the street level for all residential entries as shown on the Dearborn elevations. (A-2, A-5) The residential entry design on Weller should be changed to reflect this recommendation.

The Board appreciated the two and three dimensional graphics showing the proposed public amenity, open space and green factor designs (pp. 17-24). The board members initial discussion on these elements noted general satisfaction with the open space areas and the design's ability to meet the green factor on site. Some concern that the lower roof above Rainier will need some high

quality design work. Another member felt that the residential element should be more like the commercial base landscaping vs. running bamboo. The board likes the general size of the 60 x 80 foot "J" shaped open space (p. 17) adjacent to B1 and B2, but thinks the location on the north side of B2 will end up in shadows. This "Post Alley" spaces needs further design work.

- The Board recommends filling in the "J" with usable open space area to allow more sun and larger area for more outdoor activities such as pea patches and play equipment.

The board discussed the proposed edges between walkable surfaces, the green roofs and the common amenity spaces.

- The Board recommended that the applicant explore design techniques to make these edges softer but clear where access is allowed (not onto green roofs). Explore techniques like massing plant material along the edges and providing seating ledges that would also serve as barriers to the green roof, and other measures to create good usable and diverse outdoor areas. (A-7).
- The Board recommended creating more common lobby area spaces so that the residential entries also read well from the outside at this second level residential deck level.
- The Board recommends putting more large scale plantings in the open space areas.

<u>Weller Curb Cut Departure Request</u>

The board had recommended not approving the requested Weller truck curb cut/driveway width increase at the July 10th recommendation meeting, requesting the applicant to study additional solutions and present them at the July 24th meeting.

Initial Board discussion on the departure included the observation that the loading berth configuration remained as a constant in all the alternative studies and should also look at other internal configurations. They acknowledge the applicant's point that the design for the whole site has strived to keep the number of curb cuts considerably below the number that could be allowed by the Land Use Code. The board inquired why there needed to be 4 large truck berths and why the big trucks couldn't use the loading area off of 13th if there were really only 2 or 3 large trucks coming to the Weller loading area?

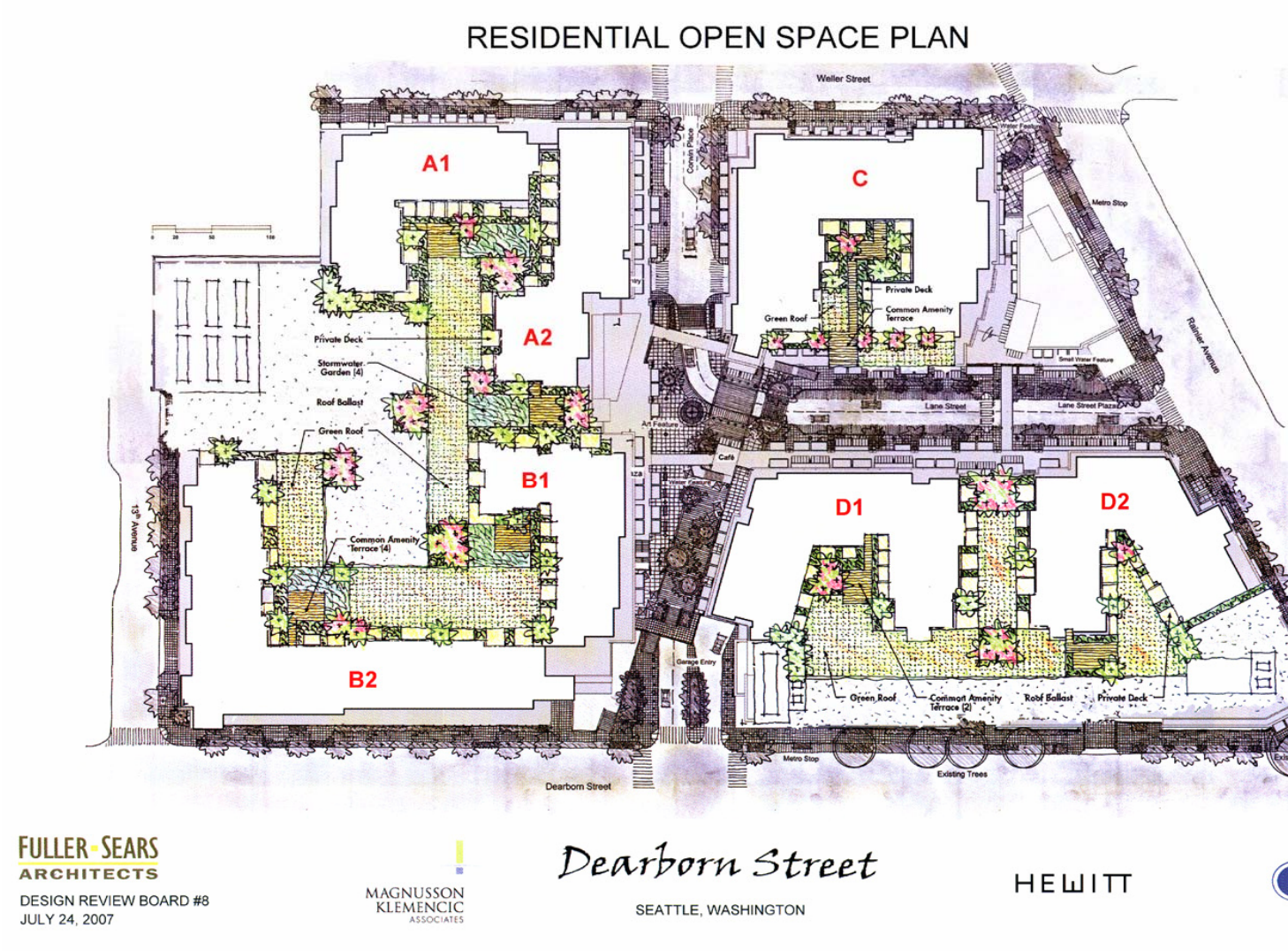
DPD staff noted how other truck openings in the City have been conditioned to make these openings more visually interesting by carefully designing the entry walls, light colors on the soffit, good baffled pedestrian scaled lighting on the inside walls and patterned paving in the sidewalk area to alert pedestrians of the opening. The nature of the doors was also discussed with suggestions like insetting the doors and keeping them closed when no trucks were leaving or coming. The viability of the proposed shallow retail areas was discussed, including that these smaller spaces may be more in keeping with smaller Little Saigon scale retailers. The Board still wants to see a more pedestrian design for Weller Streetscape experience.

- The Board recommended 4 to 1 to not approve the current departure request of 40 ft wide curb cut and driveway width. (A-4, A-8, A-9)

- The Board agreed to meet August 7th to go over the totality of their recommendations to DPD on this project one more time, limiting the applicant and public comment periods. The Board

will be open to entertain a Code complying alternative for Weller truck access at this August 7th meeting or another solution that adds more retail store frontage on Weller with a different truck loading access point which should include design features to the opening, lighting and door designs.

The graphic below was presented at the July 24th DRB meeting and shows the proposed arrangement of residential buildings and open spaces on the base of commercial buildings.



August 7, 2007 Meeting

The Board discussed at length the latest approach to access to the S. Weller St. loading dock area. All five members acknowledged the proposed combination of the garage entry and the loading dock entry into a single drive and the uninterrupted length of storefronts which result to be an improvement. Three of the Board members voted in favor of the departure with recommended conditions and two voted against it.

Conditions recommended to accompany an approval of the departure to allow a 40 foot wide curb cut and driveway on S. Weller St. are:

1. The curb cut shall be used to eliminate the need for a separate parking garage entry on S. Weller St. in the manner shown in materials presented at the August 7, 2007 meeting.
2. A paving change and signage at the driveway area beyond the sidewalk shall differentiate the route to be followed by autos from that leading to the loading dock.
3. The pedestrian entries along S. Weller St. shall be expressed architecturally in a manner to be approved by the DPD Land Use Planner.
4. Exterior finish materials shall wrap into the driveway/loading dock an appreciable distance the amount of which will be approved by the DPD Land Use Planner.
5. The length and depth of the retail spaces along S. Weller St. shall remain at least as large as shown on materials presented at the August 7, 2007 meeting; approximately 103 and 56 feet long and approximately 26 and 41 feet deep.

The Board then reviewed a summary of recommendations they have taken at previous recommendation meetings as reflected in the records of those meetings and affirmed the accuracy of that record.

RECOMMENDATION -DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings and that the development standard departures present a better design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director Recommends that the proposed **design be approved**, **with** conditions listed below, and the recommended **development standard** departures described below are **recommended** with conditions listed below.

Particular success was made in responding to design guidance regarding pedestrian open space, architectural concept and consistency, visual impact of parking structures, signage, and residential open space.

Departures Granted

SUBJECT	CODE SECTION	CODE REQUIREMENT	AMOUNT PROVIDED	DIFFERENCE	RATIONALE FOR DEPARTURE
DRIVEWAY & CURB CUT WIDTH	23.54.030D2 & 23.54.030F2(b)	DRIVEWAY NON RESIDENTIAL USES: ONE WAY TRAFFIC, 12'-0" MIN. & 15'-0" MAX. TWO WAY TRAFFIC, 22'-0" MIN. & 25'-0" MAX. CURBCUTS NON RESIDENTIAL USES: ONE WAY TRAFFIC, 12'-0" MIN. & 15'-0" MAX. TWO WAY TRAFFIC, 22'-0" MIN. & 25'-0" MAX. (30'-0" WHEN TRUCK AND AUTO ACCESS ARE COMBINED)	**TRUCK LOADING ENTRANCE # 1: WIDTH = 45'-0"** - THIS WIDTH IS REQUIRED FOR THE LARGE TRUCKS TO MAKE THE TURN INTO THE LOADING ENTRANCE, OTHERWISE CLIPPING OF THE BUILDING WOULD OCCUR. **TRUCK LOADING ENTRANCE #3: WIDTH = 40'-0"** - THIS WIDTH IS REQUIRED FOR THE LARGE TRUCKS TO MAKE THE TURN INTO THE LOADING AREA WITHOUT CROSSING OVER THE CENTERLINE OF SOUTH WELLER STREET. **CORWIN PL. S. AND S. DEARBORN ST. INTERSECTION (VEHICLE PARKING ENTRANCE #2): WIDTH = 48'-0"** - THIS WIDTH IS REQUIRED FOR THE CHANNELIZATION OF ONE LANE OF INGRESS, A MEDIAN, AND TWO LANES OF EGRESS. **CORWIN. PL. S. AND S. WELLER STREET INTERSECTION: WIDTH 36'-0"** - THIS WIDTH IS REQUIRED FOR THE CHANNELIZATION OF ONE LANE OF INGRESS, ONE LEFT TURN LANE, AND ONE RIGHT TURN. **S. LANE STREET AND RAINIER AVE. S.: WIDTH 38'-1"** - EVEN THOUGH THE WIDTH OF S. LANE STREET IS 24'-0" THE CURBCUT WIDTH OF 38'-1" IS REQUIRED BECAUSE OF ITS INTERSECTION OF RAINIER AVE. S. ON A DIAGONAL.	VARIES - SEE REASON FOR DEPARTURE AND FLOOR PLANS	**To appropriately provide vehicle access to a site as large as a city block, bounded by four public streets in a way which provides adequate access points while limiting the total number as much as is reasonable.**

TRUCK LOADING ALONG RAINIER AVENUE SOUTH WHERE NONRESIDENTIAL USES ARE REQUIRED	23.47A.005	TRUCK LOADING IS NOT ALLOWED ALONG THE STREET FRONTAGE WHERE 80% NONRESIDENTIAL USES ARE REQUIRED.	NOT ALLOWED	Proposed.	To respond to the elevation change of the site from south to north and the stacked commercial uses this condition has allowed, by providing loading dock area at the higher level of Weller Ave. S.
DEVELOPMENT STANDARDS FOR STREET LEVEL USES.	23.47A.005	SUBSECTION B STATES THAT PARKING AND MAY NOT ABUT A STREET LEVEL STREET FACING FAÇADE IN A STRUCTURE THAT CONTAINS MORE THAN ONE RESIDENTIAL DWELLING UNIT. SUBSECTION C STATES IN A NEW STRUCTURE, STREET LEVEL PARKING MUST BE SEPARATED FROM THE STREET LEVEL, STREET FACING FACADE BY ANOTHER PERMITTED USE.	NOT ALLOWED	270 +/- LINEAL FEET ALONG 13TH AVENUE SOUTH	The very long, sloping street frontages necessitate a reasonable approach be taken to placement on intervening street fronting uses.
PARKING LOCATION AND ACCESS	23.47A.032 A1c	STATES IF THE LOT DOES NOT ABUT AN IMPROVED ALLEY, BUT ABUTS TWO OR MORE STREETS, ACCESS TO PARKING MUST BE FROM THE STREET WITH THE FEWEST LINEAL FEET OF COMMERCIALLY ZONED FRONTAGE	3 ENTRANCES FOR VEHICLE PARKING 3 ENTRANCES FOR TRUCK LOADING	-	The unusually large site, uses and parking garages are better served by an entry on each adjacent street.
TRANSPARENCY REQUIREMENTS	23.47A.008 B2	60% OF THE STREET-FACING FAÇADE BETWEEN 2'-0" AND 8'-0" ABOVE THE SIDEWALK SHALL BE TRANSPARENT	AVERAGE TRANSPARENCY FOR ENTIRE PROJECT IS 61% (INCLUDES INTERNAL FACADES NOT FACING PUBLIC-RIGHT-OF-WAYS)		The long sloping street frontages create conditions where methods other than transparency are called for to effect visual interest.

DESIGN REVIEW CONDITIONS

1. Paving treatment and elevation changes shall be incorporated into sidewalks across vehicle drives in order to "read" as pedestrian zones from the perspective of motorists. For driveways that otherwise look like streets, stamped concrete and/or slightly raised cross walk elements shall be incorporated. At loading dock entries these crossing elements shall have an elevation change and surface pattern change where trucks enter and exit enclosed loading areas to give indication to drivers that they are crossing a pedestrian realm.
2. The exit stair and vault areas presenting facades without internal uses along the east side of the Corwin shall receive artistic surface treatments which will also extend in some manner across the vehicle entry area immediately to the south. The City Office of Arts and Cultural Affairs will assist DPD in evaluating and approving the proposed art elements.
3. Extensive overhead weather protection over sidewalks along the three adjacent streets shall be provided in the manner shown at the July 10, 2007 Recommendation Meeting as evidenced in the 11 inch by 17 inch colored elevations and site plans from that meeting preserved in the MUP record; which plan shall be incorporated into the plan drawings for the MUP and Construction permits.
4. The Dearborn Stairway shall be built as configured as shown at the June 10, 2007 Recommendation Meeting, as evidenced in the 11 inch by 17inch colored elevations and site plans from that meeting preserved in the MUP record, with additional landscape amenities added to include some which extends down from above the driveway entry to soften that edge.
5. The Signage Plan developed by the applicant, adding additional limits to signage size and location to that existing in the Seattle Sign Code, shall limit the signage allowed on the facades facing exterior streets as follows:

View Along S. Dearborn St.
One Large Anchor Tenant Sign, 720 sq. ft. maximum
Two Medium Anchor Tenant Signs, each 250 sq. ft. maximum
Six Junior Anchor Wall Signs and a Shopping Center Name sign, each 160 sq. ft. max.
Nine Shop Signs, each 80 sq. ft. maximum
Goodwill Signs (one for offices and one for store), each approximately 80 sq. ft.

View Along Rainier Ave. S.
Five Junior Anchor Tenant Wall Signs, each 120 sq. ft. maximum
Five Shop Signs, each 80 sq. ft. maximum
One Shopping Center Sign, 160 sq. ft. maximum

View Along Weller St.
One Large Anchor Tenant Sign, 80 sq. ft. maximum
One Medium Anchor Tenant Sign, 80 sq. ft. maximum
One Junior Anchor Wall Sign, 80 sq. ft. maximum
Sixteen Shop Signs, each 80 sq. ft. maximum

View Along 13th Ave. S.

Two Large Anchor Tenant Wall Signs, each 250 sq. ft. maximum
One Shopping Center Sign, 120 sq. ft. maximum
One Junior Anchor Wall Sign, 80 sq. ft. maximum
Parking directional signs

No commercial or shopping center identifying signs will be placed on the residential structures or their roofs.

6. Landscape materials used in green wall elements and other landscape along garage façade elements shall be hearty and attractive and a landscape maintenance plan shall provide for irrigation and long term maintenance.

7. Outdoor light fixtures shall be of as high quality and substantially similar in design to those shown in graphic information shown to the Design Review Board on June 5, 2007, as evidenced in the 11 inch by 17 inch colored elevations and site plans from that meeting preserved in the MUP record. The arrangement of lights suspended along a cable above the interior plaza to create a "ceiling of light" shall be included in the finished project.

8. The residential elements of the proposal have been reviewed from the point of view of site plan location including residential access points and for height, bulk and scale. Each residential element shall be required to obtain MUP level design review approval prior to construction.

9. The copper colored material used on some of the residential entry expressions in the base structure shall be incorporated in all of them.

10. In places where rooftops exist between residential buildings and edges of buildings on which they are located (as in the westernmost building along the internal drive) these rooftops shall be landscaped. This landscape shall be visible in some manner from the pedestrian level of the commercial area below (i.e. hanging over edge or of large enough scale to be seen from nearby surrounding street level areas).

11. The residential lobbies shall have windows of significant width, such as would be present for sizable lobby sitting areas.

12. The curb cut at the S. Weller St. loading dock and vehicle entry point for which a departure is granted to allow greater width shall be used to eliminate the need for a separate parking garage entry on S. Weller St. in the manner shown in materials presented at the August 7, 2007 meeting.

13. In the S. Weller St. loading dock area a paving change and signage at the driveway area beyond the sidewalk shall differentiate the route to be followed by autos from that leading to the loading dock.

14. The pedestrian entries along S. Weller St. shall be expressed in a form which is architecturally consistent with the immediately adjacent building expression. Compliance with this condition will be determined by the DPD Land Use Planner at the time of Construction Permit application for the base structures and again at project review (MUP and Construction Permit) for the residential building components of the project.

15. Exterior finish materials shall wrap into the driveway/loading dock in an amount of at least 30 feet.

16. The length and depth of retail spaces along S. Weller St. shall remain at least as large as shown on materials presented at the August 7, 2007 meeting; approximately 103 and 56 feet long and approximately 26 and 41 feet deep.

17. The proposed development must remain as represented to the Design Review Board and must retain site plan, landscape and architecture including, but not limited to, fenestration, architectural features and elements, arrangement of finish materials and colors relied upon by the Design Review Board in making its final recommendation, as evidenced in the as evidenced in the 11 inch by 17inch colored elevations and site plans from each of the Design Review Recommendation meetings preserved in the MUP record. The plan drawings for the proposal must be updated to show these elements prior to MUP issuance.

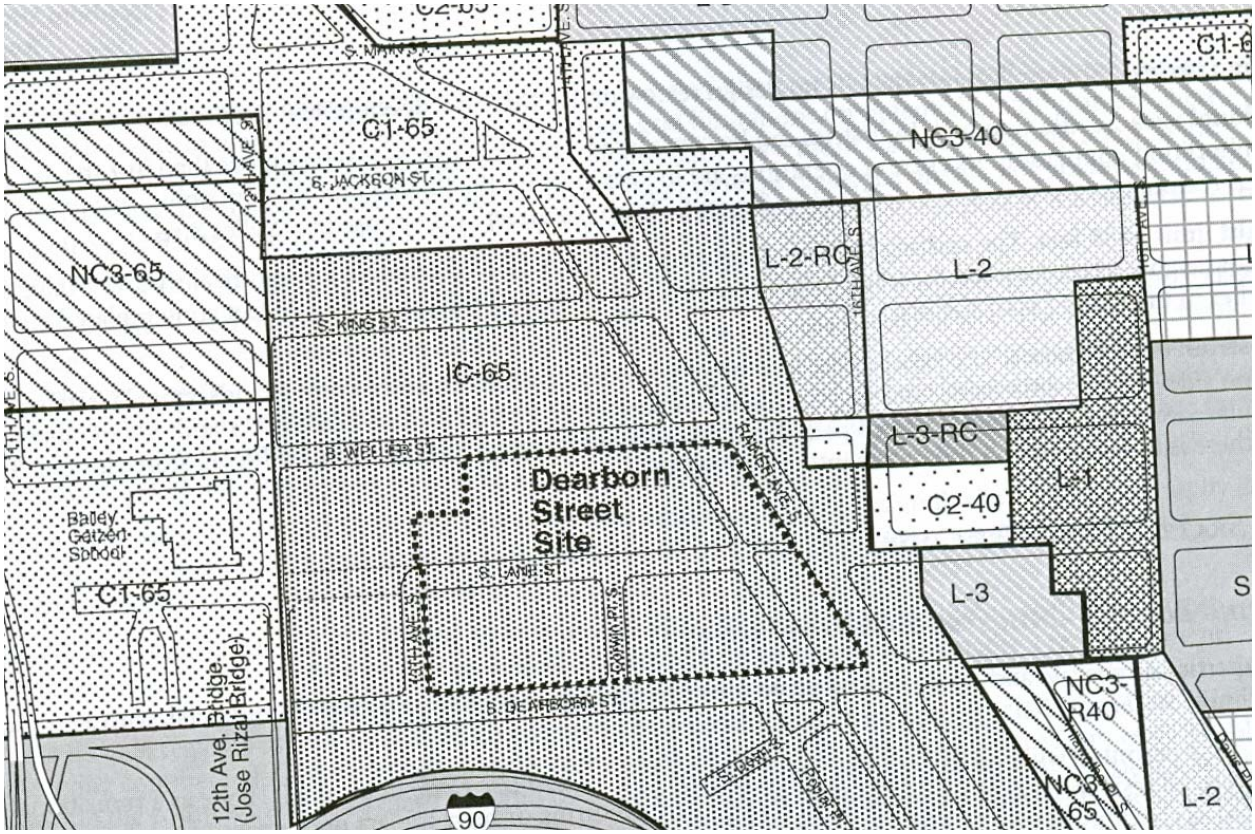
18. If any minor changes are proposed to the exterior of the building or the site they must be submitted to the DPD Land Use Planner (Scott Kemp, scott.kemp@seattle.gov) or the Design Review Manager for determination whether the amended plan is substantially the same architectural expression as the approved one. 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.

19. Prior to issuance of a Certificate of Occupancy for the project compliance with all images and text on the MUP drawings, Design Review conditions 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 for a site inspection by 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.

20. All of the conditions contained in this decision must be embedded in the cover sheet for the MUP permit plans and for all subsequent permits including any MUP revisions, and all construction permits.

II. REZONE ANALYSIS AND RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a hierarchy of priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.



AREA ZONING

The zoning in surrounding areas is shown in the map above. Development in the IC zoned areas is a mix of low retail and office buildings, surface parking, and light industrial building used for commercial, light manufacturing and warehouse uses. The site is within the China Town-International District Urban Center Village and has a Comprehensive Plan Future Land Use Map designation of Commercial/Mixed-Use.

A. <u>Urban Center Policies</u>

To be approved a rezone shall meet the following standards:
1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.
2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The proposed rezone from IC-65 to NC3-85 will accommodate up to 565 new residential units, which will contribute to accomplishment of the growth targets adopted in the Comprehensive Plan for the Downtown Urban Center.

B. <u>Match Between Locational Criteria and Area Characteristics</u>

"B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation." (SMC 23.34.008.B)

The functional and locational criteria for Neighborhood Commercial 3 (NC3) zones are set forth in SMC 23.34.078. The match between these criteria and the subject site are analyzed in the SEIS and are summarized in the table below.

Conformance with Criteria for NC 3 Zoning (SMC 23.34.0780)

Criteria	**Conformance with NC3 Criteria**
A. Function	
To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area;	The proposal is for a multi-story mixed-use development with a new facility for Goodwill Industries, retail stores along the street fronts, multi-story residential units, parking for shoppers and residents, internal streets, wide sidewalks, plazas, pedestrian amenities, and active street fronts.
2. Desired Characteristics	
a. A variety of sizes and types of retail and other commercial businesses at street level	Over 40 retail stores, from 165,000 sq. ft to less than 1,000 sq. ft., including grocery store, major retailers, and neighborhood-oriented shops and restaurants.
b. Continuous storefronts built to the front property line	Expressed as three buildings at the retail level, the project has twelve building corners. Nine corners feature retail entrances and wrapped storefronts. 11 of the 12 street edges have activated retail façades with nearly continuous storefronts. Buildings are set back from the property line on Weller, Rainier and Dearborn to enlarge sidewalks and landscape around site perimeter.
c. Intense pedestrian activity	Active streetscape on perimeter streets. Active interior streets and pedestrian open spaces, with plazas with water features, facing south for maximum sun exposure. Hundreds of new residents and employees would circulate within the development, and in and out of it.
d. Shoppers can drive to the area, but walk around from store to store	There would be over 2,300 parking spaces. Parking would be centralized, so shoppers would walk on the pedestrian level to reach the stores.
e. Transit is an important means of access	Metro stops on widened sidewalks with better lighting and street furniture and pedestrian entry points into interior shopping areas of the site.
B. Locational Criteria. The NC 3 zone designation is most appropriate in areas generally characterized by the following:	
Physical Conditions Favoring Designation as NC3	
The primary business district in an urban center or hub urban village	The site is an element of the primary business district of the urban center which extends to the west from the site.
a. Served by principal arterial.	Served by Dearborn Street and Rainier Avenue; 12th Avenue S nearby
b. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas.	Site is separated from low-density residential areas to the east by the arterials, other commercial development, and more-intense residential uses.
e. Excellent transit service.	Five bus lines serve the site. Besides existing Metro stops on Rainier and Dearborn, transit service on 12th Avenue would become more accessible as a result of new pedestrian connections through the proposed development.

The property is less well-suited to industrial zone designation, as set forth in SMC 23.34.090. There has been no industrial use of the land for over sixty years. The area is not served by rail or water. The area is physically and geographically isolated from other industrial areas. It is located within the Downtown Urban Center, which is not designed to promote industrial uses. The area is also largely surrounded by residential and commercially zoned areas.

The proposed NC3 designation is well met at the site. As described in the South Downtown Livability Study, the area is becoming less industrial in character. New commercial activity in the area is predominantly of a neighborhood serving nature, not regional. Future development would best be aimed in this direction as well and should present building fronts to the surrounding streets (a characteristic of NC zones) rather than surface parking lots which are encouraged in C1, C2 and IC zones.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

In 2006 City Council changed the Comprehensive Plan Future Land Use Map designation of the site from industrial to commercial/mixed-use; a clear indication of the intended future zoning designation desired on the proposal site.

"D. Neighborhood Plans.
1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.
2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.
3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.
4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan."

A neighborhood plan is under development, the South Downtown Livability Study, which proposes a commercial/mixed-use designation for the subject site. Current Council adopted plans do not provide direction for the site.

"E. Zoning Principles. The following zoning principles shall be considered:
1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.
2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:
a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;
b. Freeways, expressways, other major traffic arterials, and railroad tracks;
c. Distinct change in street layout and block orientation;
d. Open space and greenspaces."

The subject site is isolated by large arterial roadways from areas to the east and west. A topographic break lessens the amount of disparity between proposed development and areas to the north. To the west existing IC zoned areas would be largely unaffected by the proposed change in zoning designation.

"The impact of more intensive zones on less intensive zones or industrial and commercial zones are to be minimized by use of buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred." A transition between zones is not needed here. The uses allowed in the NC3-85 zone and the IC-65 zone are largely the same, with the former zone allowing greater size of retail use and residential use. Height transitioning is accomplished by the gradation between the proposed 85 foot height limit and the adjacent 65 foot height limit. There is no third height designation between those two which could be chosen. Introduction of residential uses into the area would not be expected to create incompatibilities with existing neighboring uses because the area has transitioned from its historic industrial nature to one characterized by office and retail sales uses. There appear to be no nearby uses which would be incompatible with residential uses nor are they to be expected be present in the foreseeable future.

Physical buffers may provide effective separations between differing uses and intensities of development. No physical buffers are present here which are relevant to the analysis. The proposed uses do not pose the potential for nuisance impacts to surrounding properties. The height relationships between the subject site and surrounding properties are discussed under the height analysis above.

The proposed rezone would create a relation of zone boundaries which continues to observe the principle that commercial areas should face one another and away from residential areas. The NC zone is generally compatible with the surrounding IC zone.

"3. Zone Boundaries.
a. In establishing boundaries the following elements shall be considered:
(1) Physical buffers as described in subsection E2 above;
(2) Platted lot lines.
b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.
4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area."

The proposal site is within a urban center village boundary, it follows existing lot lines and is defined on the great majority of its dimensions by street right-of-ways. On the other by a property developed with an office building. Site faces existing commercial and industrial/commercial areas across all street frontages.

"F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.
1. Factors to be examined include, but are not limited to, the following:
a. Housing, particularly low-income housing;
b. Public services;
c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;
e. Manufacturing activity;
f. Employment activity;
g. Character of areas recognized for architectural or historic value;
h. Shoreline view, public access and recreation.
2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:
a. Street access to the area;
b. Street capacity in the area;
c. Transit service;
d. Parking capacity;
e. Utility and sewer capacity;
f. Shoreline navigation."

Consideration is to be given to the possible negative and positive impacts on the area of the proposed rezone and its surroundings. An impact of the proposed contract rezone will be to create a lively, attractive and useful street environment activated by large retail spaces facing onto adjacent sidewalks and significant public plazas and landscaping around the exterior of the site and in the site interior. Adding to the residential base in this portion of the Downtown Urban Center is also an expected and desired impact. The proposed project is well within service capacities in the area for such things as utilities, street access, street capacity, and transit service. Parking for residential and retail uses would be sufficient as proposed within the underground parking garage.

The proposed development is expected to add to traffic congestion in the area. As discussed in the Draft and Final SEIS it is expected the presence of added retail activity and multi-family residences in the area may have an impact upon the vitality of business in the area, including those to the northwest in the area known a "Little Saigon." The value of real estate may rise affecting the rental rates and making some existing business less viable. The presence of more people, both as retail customers and residents may increase the level of business for some kinds of businesses, such as restaurants and food stores, in the Little Saigon area. Other businesses in the area, such a jewelry stores, may face new competition.

Housing is offered as part of the proposal as a contract rezone measure to further mitigate project impacts by adding full time residents to the immediate area. These residents would be expected to do business with retailers in the little Saigon area. They might be the first of many such residents; with more arriving as new development takes place in areas to the north of the subject site slated to be rezoned as part of the South Downtown Livability Study.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

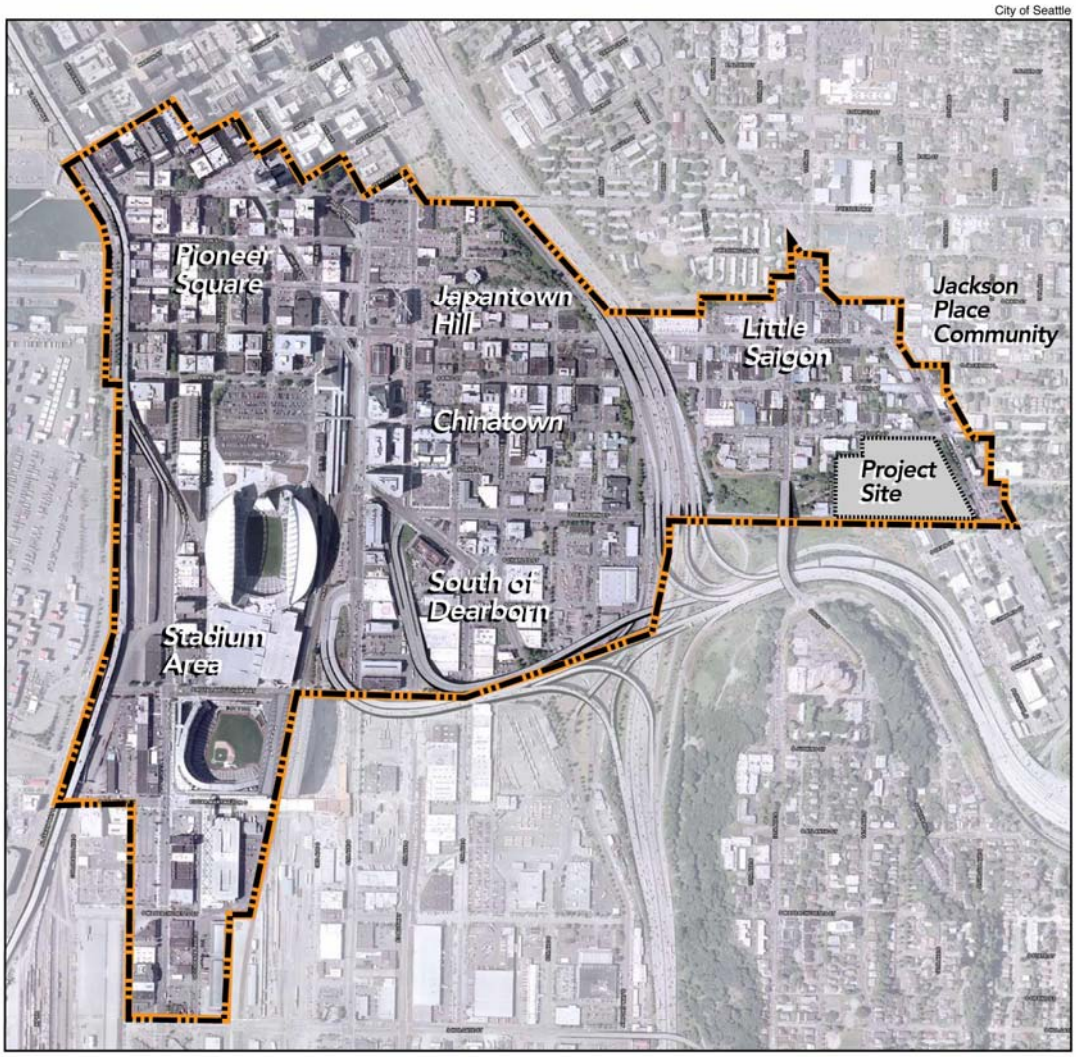


Figure 18 • **South Downtown Planning Areas**

Dearborn Street

DSEIS July 2006

No overlay district with a purpose influencing this decision is present. The Chinatown/International District Neighborhood Plan did not contain policies expressly adopted for the purposes of guiding future rezones, and does not provide any specific policies with regard to this rezone proposal.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

Portions of the site are mapped as steep slope. DPD these slopes were artificially created as a result of road construction projects and other legal grading and the site qualifies for a limited exemption from ECA steep slope development standards. Portions of the site are also mapped as potential liquefaction zone areas. The project applicant will be required to comply with City construction regulations with respect to liquefaction and landslide prone areas.

These conditions are of limited import to the rezone consideration.

Height Limits

Section 23.34.009 of the Seattle Municipal Code establishes criteria for height limits of proposed rezones.

"Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:
A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.
B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.
C. Height and Scale of the Area.
1. The height limits established by current zoning in the area shall be given consideration.
2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.
D. Compatibility with Surrounding Area.
1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.
2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.
E. Neighborhood Plans.
1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.
2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008."

The *function of the zone* is to be considered. "Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered."

The proposed height limit of 85 feet is 20 feet higher than the current height limit of 65 feet for the IC-65 zone. The additional height is to accommodate residential uses above the retail podium, uses which are desired and preferred in the Downtown Urban Center. The additional height is therefore consistent with the type and scale of development intended for the NC3 zone.

The *topography of the area and its surroundings* are to be considered. "Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered."

The project site is located in a natural bowl, with the lower elevations on Dearborn to the south, and the upper elevations on Weller to the north; continuing to rise further north. This topography tends to limit the height disparity between the subject site and areas to the north.

The *height and scale of the area* are to be considered. "The height limits established by current zoning in the area shall be given consideration. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential."

Current zoning on surrounding properties imposes height limits of 65 feet. As stated above, the unique setting of this property in a bowl results in this property being compatible with those height limits. While the height and scale of existing development does not generally rise to 65 feet, the location of the area in South Downtown indicates that the area's overall development potential will likely be at a height of 85 feet or greater, as set forth in preliminary drafts of the City's Livable South Downtown Preliminary Recommendations.

To the east the Rainier Ave. S. right-of-way provides a separation reducing the effects of the lower height limits in that direction. View blockage studies of the proposed project from the east and north are found in the SDEIS document. They reveal new structures visible from surrounding areas, but they do not tower over the area.

In general, it may be concluded that the proposed change in zoning height to 85 feet is consistent with the existing and potential height and scale of the area.

The *compatibility with surrounding area* is to be considered. "Height limits for an area shall be compatible with actual and zoned heights in surrounding areas…" and "a gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers … are present."

Zoned heights in the surrounding areas are currently 65 feet. An 85 foot height limit for the proposed site is compatible with those zoned heights, and provides a transition to the 65 foot zoned areas, particularly because of the topographical bowl in which the project site is located. While existing heights are lower, as stated above, the project location in south Downtown indicates that future development will be at existing 65 foot heights, or higher, as currently proposed in the draft Livable South Downtown Preliminary Recommendations.

Applicable *Neighborhood plans* are to be considered. "Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map."

Applicable neighborhood plans are discussed in the Final EIS at pp. 21-24. They include the specific neighborhood goals for the Downtown Urban Center in the Comprehensive Plan, as well as the Chinatown/International District Neighborhood Plan contained in the Comprehensive Plan. While those policies provide important guidance on issues such as cultural and economic vitality, housing diversity and affordability, public spaces and accessibility, they do not contain specific height recommendations for the project site.

C. Zoning History and Precedential Effect

The existing zoning, including height limits, has been in place since the 1985 Land Use Map was adopted.

In December 2006, the Seattle City Council amended the Comprehensive Plan land use designation of the project site from Industrial to Commercial Mixed Use. The fact that a proposed rezone would bring the site zoning into conformity with its Comprehensive Plan Future Land Use Map designation is highly directive in deciding whether to recommend the proposed rezone. The fact that City Council acted in year 2007 to amend the Comprehensive Plan to designate the proposal site Commercial/Mixed Use constitutes a decision conducive to the proposed rezone; for which application had been made prior to the Council's action on the related Comprehensive Plan redesignation. The action does not actually change the zone, but, it sets a policy direction to which future zoning is expected to conform.

F. Changed Circumstances

"Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter."

A changed circumstance has happened in that the City Council has recently amended the Comprehensive Plan to re-designate the project site from industrial to commercial mixed use.

Another changed circumstance is found in the historical development of the site and immediately surrounding area. Once the location of a mining and brick baking business the site has moved into an administrative office, education and human services use. Surrounding commercial uses in the area are increasingly retail and office in nature with many restaurants as well. There remain some light industrial uses, such as light manufacturing and warehousing; which uses are also permitted in the proposed NC3 zone. In areas to the east residential areas have developed which are increasingly vibrant. Uses which would well serve the surrounding areas now include retail uses and residential uses; such as are encouraged in NC3 zones, not industrial, manufacturing and office uses such as are the most prevalent uses found in the current IC zoning.

RECOMMENDATION - REZONE

Analysis of the rezone criteria above leads to the conclusion that contractually rezoning the project site from IC-65 to NC3-85 should be approved. This action would allow construction of the proposed mixed-use building with its 696,000 sq. ft. of retail, 45,000 sq. ft. of administrative office, 565 residential units, public plaza, open space and other pedestrian amenities.

Recommended Conditions and Term – Contract Rezone

1 The changes in zone designation are established only for development with a building with substantially the same design and with substantially the same amenities and improvements in the pedestrian environment, both public and private, as the one approved in MUP 3001242 and its associated design review process. This applicant has proposed to include at least 400 residential multifamily units and provision of these units is required.

2. In order to insure that the project offered in return for this contract rezone is likely to be accomplished, the rezone shall expire in ten (10) years, unless this proposal has_been constructed. (Active permits can also keep the new zone in effect as provided in SMC 23.76.060.)

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project and proposed rezone was made in the draft and final supplemental environmental impact statements dated August 2006 and November 2006, respectively ("DSEIS" and "FSEIS"). This information in the DSEIS, the FSEIS, supplemental information provided by the applicant (plans, parking analysis), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and recommendation.

Potential significant adverse transportation impacts were found.

The SEPA Overview Policy (SMC 25.05.665) establishes 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 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

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). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, 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

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. Compliance with these requirements will sufficiently mitigate impacts to air quality of demolition. A condition is recommended pursuant to SEPA authority under SMC 25.05.675.A to require that a PSCAA Notice of Construction document be filed prior to commencing demolition activities.

Carbon Footprint

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project

Construction Transportation and Parking Impacts

Traffic and parking impacts expected during the construction period are discussed in Section 3.2 of Appendix 2 of the Draft SEIS, a Transportation Impact Analysis prepared by Heffron Transportation, Inc., dated August 17, 2006.

Construction workers on the site are expected to peak at approximately 125 to 250 and at times when the parking garages are not yet available for use by workers their parking on adjacent streets would adversely affect surrounding property uses. Mitigation is proposed for this impact in the form of a Construction Transportation Management Plan which in addition to documenting street use during construction including land and sidewalk closures, showing proposed construction haul routes, would also document where construction workers will park prior to the garage being complete. Pursuant to Construction Related SEPA policy authority the project should be required to create and follow a Construction Transportation Management Plan. That plan will:

- Document the extent of street, bicycle lane and sidewalk closures during construction, limiting them as much as possible;
- Show proposed construction haul routes;
- Document any proposed bus stop relocations;
- Document where construction workers will park at times when the on site garage is not available to them and provide for shuttles as necessary to transport workers to and from their vehicles; and
- Provide that construction staging areas will be accessed from S Dearborn St. whenever possible.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal. While mitigation features have been incorporated to reduce potential adverse effects, some of these potential adverse effects would be unavoidable. They include: some increased delay at some intersections; decreased air quality and increased noise levels, both principally from increased vehicular traffic; increased energy use at the project site; increased nighttime illumination and glare; and loss of existing buildings that are proposed for demolition, and existing trees that are proposed for removal. These long-term impacts are not considered significant because the impacts are minor in scope.

The potentially most substantial long-term impacts are on parking and traffic and additional consideration of these is warranted.

Parking

The proposed building would provide 2,307 parking spaces. The SEIS discloses that peak demand on weekdays will occur during the 7:00 to 8:00 P.M. time period on weekdays. Peak demand at that time would be for 1,816 spaces, leaving an excess supply of 605 spaces and 78.7% utilization of the on-site spaces. Peak demand on Saturday will be 6:00 to 7:00 P.M. Peak demand at that time will be fore 2,212 spaces, leaving an excess supply of 192 spaces and 95.9% utilization. Higher parking demand during December and other peak shopping times can also be accommodated with the proposed supply, with careful parking monitoring and management.

Accordingly, the proposal satisfies its parking demand for SEPA mitigation purposes. No additional mitigation is required.

Traffic and Transportation

Traffic analysis was conducted by Heffron Transportation Inc. in two studies, one dated August 17, 2006 (Appendix 2 to DSEIS) and one dated October11, 2006 (Appendix 7 to FSEIS). The study area included signalized intersections along S Dearborn St, Rainier Avenue S and 12th Avenue S. Eleven off-site intersections were selected for the study, as well as the five site access locations.

Table 5 from the DSEIS depicts the background conditions at the studied intersections.

Table 5. PM Peak-Hour Level of Service Summary – Background Conditions

	Existing (2006)		***Year 2010 Without-Project***	
Intersection	***LOS[1]***	***Delay[2]***	***LOS[1]***	***Delay[2]***
PM Peak Hour – Signalized				
Yesler Way/Boren Avenue S	***C***	***23.9***	***C***	***25.1***
12th Avenue S/Rainier Avenue S	***C***	***30.0***	***C***	***30.4***
S Jackson/Boren Ave S/Rainier Ave S/14th Ave S	***D***	***35.1***	***D***	***38.8***
S Dearborn Street/Rainier Avenue S	***E***	***56.2***	***E***	***65.2***
S Charles Street/Rainier Avenue S	***A***	***4.5***	***A***	***4.7***
S Dearborn Street/Corwin Place S	***B***	***10.3***	***B***	***10.4***
S Dearborn Street/I-5 Northbound Ramps	***B***	***15.7***	***B***	***16.3***
S Dearborn Street/5th Ave S/Airport Way S	***C***	***32.1***	***C***	***34.9***
4th Avenue S/Airport Way S	***D***	***44.9***	***E***	***55.3***
S Jackson Street/12th Avenue S	***C***	***27.6***	***C***	***29.8***
S Weller Street/12th Avenue S	***B***	***12.1***	***B***	***12.9***
PM Peak Hour – Unsignalized [3]				
S Weller Street/Rainier Avenue S (EB Left/Right)	***F***	***263.9***	***F***	***429.7***
S Dearborn Street/13th Avenue S (SB Left/Right)	***B***	***10.5***	***B***	***10.7***

Source: TDA/Heffron Transportation, May and August 2006.
1. Level of service.
2. Average seconds of delay per vehicle.
3. Average seconds of delay per vehicle on the worst movement, generally a turn movement from the minor street.

The Heffron analysis then evaluated traffic impacts from the proposal.

Impacts
This section describes the conditions that would exist with new development on the site. First, the net increase in automobile trips generated by the proposed project was determined. Then, these trips were added to the 2010-without-project traffic volumes. Finally, level of service was analyzed to determine the impacts on traffic operations in the study area from each of the three action alternatives. Potential impacts to other transportation facilities were also examined. Refer to

Appendix 2 for a detailed explanation of assumptions and methodology used to assess the transportation impacts and to reach the conclusions presented below.

No-Action Alternative

The No-Action Alternative assumes that the existing uses would remain in operation. However, it is standard practice in estimating impacts on transportation systems to extrapolate existing volumes into the future by applying growth rates and/or including other known projects that would alter future traffic conditions. Consequently, "no action" does not imply unchanged conditions where traffic is concerned. Traffic conditions have been forecast to 2010, the year of the planned completion and occupancy for the "build" alternatives. The estimated future levels of service in the study area without development of the proposed project (i.e., no action) are shown in Table 5 under "Year 2010 Without Project." Thus the No-Action Alternative establishes a reasonable baseline with which to compare the "build" traffic projections described in the following sections.

Roadway Network. All development alternatives would consolidate the three existing curbcuts on S Weller Street to two curbcuts. The Mixed-Use and All-Commercial Alternatives would add a new right-in/right-out private street with access onto Rainier Avenue S at S Lane Street (New Lane Street), and could reconstruct the access at S Dearborn Street/Dearborn Place S to be a truck-only curbcut, approximately 85 feet west of its current location. In the No-Street Vacation Alternative, Dearborn Place S would remain in its current alignment and serve primarily residential trips. The curbcut at S Dearborn Street/New Corwin Place would be signalized with the proposed project in any of the action alternatives.

Vehicle Trips. In the transportation analysis, one visit to the site by a vehicle is considered to generate two trips—one in and one out. The Mixed-Use Alternative is expected to generate about 25,130 vehicle trips per day, with about 1,078 trips occurring in the AM peak hour and about 2,298 in the PM peak hour. The AM peak-hour volumes shown assume restaurant uses that serve breakfast in the morning. If the restaurants are not open for breakfast, the AM peak-hour trips for that use would be reduced greatly; this use represents about a third of the projected AM peak-hour traffic.

For the retail and restaurant components of the project, some of these trips are expected to be from traffic that is already using streets in the vicinity. To account for these types of trips, the total number of driveway trips have been divided into two components—pass-by and primary/diverted-linked trips—which are described further below.

- Pass-by trips are trips that are already on a roadway immediately adjacent to the site en route to another destination. For example, a shopping trip to the site by a commuter who normally drives to or from work along S Dearborn Street would be considered a pass-by trip.
- New (Primary) Trips and Diverted-linked trips. Primary trips are tripsmade for the specific purpose of traveling to and from the project site. New trips are generally assumed to begin and end at home, although some new trips could originate at work or other locations. Diverted-linked trips are trips that may use roadways in the site vicinity, such as 12th Avenue S or S Jackson Street, but have to divert out of the way to reach the site. In this study, all diverted-linked trips were considered as new trips to the study area. This is a conservative assumption, as some of these trips would already be on nearby roadways.

Table 6 shows the split between primary/diverted trips and pass-by trips for each of the three action alternatives. All trips to the residential uses were assumed to be primary trips. In the No-Street

Vacation Alternative, which includes 260,000 sq. ft. of office use, all office trips were assumed as primary trips. Tables 9, 10, and 11 in Appendix 2 show further detail of vehicle trips by specific uses within each alternative.

Levels of service. The project-generated trips were combined with the future 2010-without-project traffic volumes to estimate future 2010-with-project traffic volumes. Levels of service for study area intersections were calculated using the 2010-with-project traffic volumes. For level of service analyses with the project, it was assumed that changes to lane geometry and signal operations would occur. These improvements are proposed as part of the project, and include:

- addition of a southbound right-turn-only lane on Rainier Avenue S from just south of S Weller Street to S Dearborn Street, shown on Figure 14;
- adjustments to signal equipment as needed to accommodate the geometric changes at intersections;
- addition of northbound and eastbound left-turn lanes at S Weller Street/Rainier Avenue S, shown on Figure 15;
- changes as needed to signal timings; and
- addition of a full signal at the intersection of S Weller Street/Rainier Avenue S.

Table 6. Vehicle Trips by Trip Characteristic—Action Alternatives

	Daily Trips	AM Peak-Hour Vehicle Trips			PM Peak-Hour Vehicle Trips		
		In	Out	Total	In	Out	Total
Mixed-Use Alternative							
Total Vehicle Trips							
Primary/Diverted	16,930	386	316	702	837	713	1,550
Pass-by	8,200	188	188	376	374	374	748
Total	25,130	574	504	1,078	1,211	1,087	2,298
All-Commercial Alternative							
Total Vehicle Trips							
Primary/Diverted	16,840	367	255	622	826	714	1,540
Pass-by	8,530	188	188	376	384	384	768
Total	25,370	555	443	998	1,210	1,098	2,308
No-Street Vacation Alternative							
Total Vehicle Trips							
Primary/Diverted	14,350	551	261	812	648	744	1,392
Pass-by	5,990	123	123	246	270	270	540
Total	20,340	674	384	1,058	918	1,014	1,932

Source: TDA/Heffron, August 2006.

Another mitigation measure that could further reduce the project's impacts at the Dearborn/Rainier intersection would be adding another eastbound left-turn lane and reducing the number of

eastbound right-turn lanes from two to one. This potential approach was analyzed in the 2001 EIS for Dearborn@5/90, and is incorporated by reference in this SEIS.

Table 7 shows the results of the analysis for all action alternatives. Levels of service for the 2010 future-without-project conditions are shown for comparison.

Table 7. PM Peak-Hour Level of Service, Future—2010 Conditions

	2010-Without-Project No-Action Alternative		2010 With Mixed-Use Alternative		2010 With All-Commercial Alternative		2010 With No-Street Vacation Alternative	
Intersection	LOS[1]	Delay[2]	LOS[1]	Delay[2]	LOS[1]	Delay[2]	LOS[1]	Delay[2]
PM Peak Hour – Signalized								
Yesler Way/Boren Avenue S	C	25.1	C	27.1	C	27.2	C	26.2
12th Avenue S/Rainier Avenue S	C	30.4	C	30.5	C	30.5	C	30.7
S Jackson St/Boren Ave S/Rainier Ave S/14th Ave S	D	38.8	D	50.8	D	51.1	D	45.0
S Dearborn Street/Rainier Avenue S	E	65.2	E	76.1	E	76.6	E	57.4
S Charles Street/Rainier Avenue S	A	4.7	A	5.7	A	6.5	A	5.5
S Dearborn Street/Corwin Place S	B	10.4	B	16.9	B	15.4	B	14.8
S Dearborn Street/I-5 Northbound Ramps	B	16.3	B	18.2	B	17.8	C	20.1
S Dearborn Street/5th Ave S/Airport Way S	C	34.9	D	54.1	D	53.9	D	52.4
4th Avenue S/Airport Way S	E	55.3	E	79.7	E	79.6	E	55.5
S Jackson Street/12th Avenue S	C	29.8	C	32.3	C	32.2	C	31.5
S Weller Street/12th Avenue S	B	12.9	D	47.0	D	48.1	C	34.0
S Weller Street/Rainier Avenue S [3]	N/A	N/A	B	13.1	B	13.3	B	17.2
PM Peak Hour – Unsignalized [4]								
S Weller Street/Rainier Avenue S [3]	F	263.9	N/A	N/A	N/A	N/A	N/A	N/A
S Lane Street/Rainier Avenue S	N/A	N/A	B	12.1	B	14.1	N/A	N/A
S Dearborn Street/13th Avenue S	B	10.5	F	52.8	F	60.5	F	95.9

Source: TDA/Heffron Transportation, May and August 2006.

1. *Level of service.*
2. *Average seconds of delay per vehicle.*
3. *The proposed project includes installing a traffic signal at this unsignalized intersection. (Table shows N/A = Not applicable where appropriate.)*
4. *Average seconds of delay per vehicle on the worst movement, generally a turn movement from the minor street.*

The level of service analysis shows that none of the alternatives would degrade the level of service at study intersections to below the SDOT standard (LOS D), except for the S Dearborn Street/13th Avenue unsignalized intersection, which would operate at LOS F for the minor (southbound) movement with addition of project traffic. Both the intersections of S Dearborn Street/Rainier Avenue S and 4th Avenue S/Airport Way S would also continue to operate below City of Seattle standards, at LOS E, without or with the proposed alternatives. No other intersections would operate below LOS D. The intersection of S Jackson Street/12th Avenue S experiences little change in delay with addition of project traffic; the project adds about 257 PM peak-hour trips, which represent about 9% of total future traffic at that location. The majority of these trips are through trips. Table 8 shows traffic from the Mixed-Use Alternative as a percentage of total future peak-hour traffic at each off-site intersection. The percentages would be lower in the other action alternatives, which would have lower volumes.

The level of service at S Weller Street/12th Avenue S could degrade from LOS B to LOS D with addition of project traffic, but would still operate at a level acceptable to the City of Seattle.

It should be noted that the City's draft traffic model for the Livable South Downtown area shows a slight decrease in overall traffic at the intersection of 4th Avenue S/Airport Way S in 2010. This would likely result from changes to roadways and intersections in other parts of South Downtown, which could redistribute area traffic. If traffic at this intersection does decrease, then delays either with or without the proposal could be shorter in the future than reported here.

In the Final version of the SEIS (FSEIS) additional information was provided about expected impacts to intersections in the Little Saigon area as shown in Table A from that document.

Table A. PM Peak-hour Traffic and Levels of Service, Little Saigon Neighborhood

Intersection	Project Traffic, Proportion of PM Peak-hour Traffic	PM LOS for Future 2010 without Project	PM LOS for Future 2010 with Project
12th Avenue S & S Jackson Street	8.6%	C	C
12th Avenue S & Rainier Avenue S (Boren Avenue)	6.3%	C	C
12th Avenue S & S Weller Street	14.5%	B	D

Source: Tables 12 and 13, Appendix 2, DSEIS

The FSEIS also added some information and analysis regarding intersection levels of service on Saturdays and on potential additions to traffic "cutting through" the Jackson Park neighborhood.

Saturday Traffic Operations

S Jackson Street experiences a significant Saturday midday peak in traffic, from 1:00 to 2:00 p.m. Therefore, Saturday intersection operations at S Jackson Street/12th Avenue S were analyzed. In that hour, the traffic volume on S Jackson Street is 17% higher than the volume during the PM peak hour on a weekday. Weekday peak intersection volumes on S Jackson Street were adjusted upward by this factor. On 12th Avenue S, Saturday volumes from 1:00 to 2:00 p.m. represent 68% of weekday PM peak-hour volumes; volumes on this street were adjusted downward accordingly. For the future-without-project 2010 Saturday peak hour, the intersection of S Jackson Street/12th Avenue S operates at LOS C.

Saturday peak-hour traffic volumes for the Mixed-Use Alternative were estimated using the same methodology discussed in the Draft SEIS Transportation Impact Analysis. Trips were distributed and assigned to the S Jackson Street/12th Avenue S intersection using the same methodology as in the Transportation Impact Analysis for the weekday PM peak hour. This resulted in 405 new trips using the intersection during the Saturday peak hour. During the weekday PM peak hour, the project added 257 new trips to the S Jackson Street/12th Avenue S intersection.

The Saturday trips were added to the future-without-project 2010 Saturday volumes. The intersection would continue to operate at LOS C with addition of the Saturday project traffic.

Cut-Through Traffic
The Jackson Place Community Council expressed concerns about cut-through traffic in their neighborhood related to the proposed project. Those drivers most likely to use Jackson Place neighborhood streets would be those coming from or headed toward the northeast along S Jackson Street.

The Draft SEIS Transportation Impact Analysis shows a total of 21 trips turning eastbound (right) from Rainier Avenue S to S Jackson Street during the PM peak hour. Another 25 project-related vehicles are expected to turn from westbound S Jackson Street to southbound Rainier Avenue S. There is no way to predict how many of these trips might cut through the Jackson Place neighborhood.

For illustrative purposes, it is assumed that up to 50% of the project traffic coming from or going to the east could use neighborhood streets during the peak hour. If this were the case, then a total of 23 PM peak-hour trips might divert through the Jackson Place neighborhood in the evening peak hour. Motorists are less likely to cut through during other times of the day and on weekends when traffic on the arterials is flowing more freely. FSEIS Appendix 7 provides further details on cut-through traffic. Measures to reduce and to mitigate impacts of traffic cutting through Jackson Place could include traffic circles, speed tables (bumps), chicanes and similar measures. A contribution to be held in trust at SDOT towards creation of these measures in the amount of $75,000 would allow the neighborhood to work utilizing matching grants to accomplish traffic mitigation measures in the Jackson Place Neighborhood.

The following measures would mitigate long-term transportation impacts.

Mitigation of Long-Term Traffic Impacts. The proposed project's impacts would warrant mitigation of off-site intersections. The decision to implement any of these changes is SDOT's. If needed in the future, the project proponent would:

- Provide separate left and right-turn southbound lanes on 13th Avenue S approaching S Dearborn Street. Left turn movements from 13th Avenue S may still operate at LOS F in the future, but the additional lane would allow right-turning vehicles to bypass a vehicle waiting to turn left. If vehicle delays during the peak hours are intolerable, motorists can choose to go through the garage to exit the site using the signalized intersection at S Dearborn Street/New Corwin Place, or one of the other site egress points. This mitigation measure would necessitate removal of approximately seven parking spaces along the east curb of 13th Avenue S.
- Revised Signal Timing and Phasing.
- These revisions would improve intersection operations. The revisions would vary depending upon the alternative.
- Provide for changes in phasing at the intersection of S Dearborn Street/Rainier Avenue S, so the eastbound and westbound movements operate in a single phase with permitted left turns. This allows the intersection to operate at LOS E in all alternatives, as it does in the future-without-project scenario.

- Another mitigation measure that could further reduce the project's impacts at the Dearborn/Rainier intersection would be adding another eastbound left-turn lane and reducing the number of eastbound right-turn lanes from two to one.

Transportation Management Program. To reduce the project's trip generation and thus minimize potential traffic and parking-related impacts, the project proponent would implement a Transportation Management Plan (TMP) for the project. The Transportation Management Plan (TMP) would be consistent with the City of Seattle's Director's Rule (DPD Director's Rule 14-2000). The TMP is required to include certain elements unless they are specifically waived by the director in the approved TMP document. The appropriate elements will be determined with the City prior to issuance of a certificate of occupancy.

Trip reduction goals have been established for different zones throughout the City to comply with the State of Washington's Commute Trip Reduction (CTR) law. The base year goal for this zone is 59% of the trips by single occupancy vehicle (SOV), which would apply to this project upon opening. This percentage gradually decreases over a 12-year period with an ultimate goal of 38% SOV travel.

The traffic impact analysis was performed assuming an SOV rate of 69%; carpools now account for 13% of the trips resulting in an overall automobile use of 82% *(see Appendix 2)*. If the ultimate TMP goal of 38% travel were met, the traffic and parking impacts of this project would be less than evaluated here.

To mitigate expected transportation impacts of the proposed development the following **conditions are recommended**.

1. The intersection of S. Dearborn St. and Rainier Ave. S. will be revised pursuant to SDOT design requirements to optimize function and safety for vehicles, pedestrians and bicycles. This will be accomplished in compliance with SDOT design manuals and may involve replacement of some or all of the existing traffic signal equipment, creation of new surface islands, re-striping, signal re-timing, creation of new right-of-way or any other measures which may be called for by SDOT. These measures will be undertaken entirely at the expense of the applicant.
2. The intersection of S. Weller St. and Rainier Ave. S. shall be improved by the applicant with a new four way signal designed and installed as mandated by SDOT in compliance with its design manuals and standards.
3. The applicant shall improve 13th Ave. S. to provide separate left and right-turn southbound lanes approaching S Dearborn Street.
4. The applicant shall pay for or accomplish revised signal timing and phasing as needed at S Dearborn Street/5th Avenue S/Airport Way S and the newly-signalized S Weller Street/Rainier Avenue S intersections pursuant to SDOT requirements in compliance with its design manuals and standards.
5. A Transportation Management Plan shall be developed, implemented and maintained consistent with DPD Director's Rule 14-2000 with goals as determined by DPD. The Plan shall be approved and implemented prior to occupancy of commercial spaces.
6. A voluntary mitigation payment (in accordance with RCW 82.02.020) of $75,000.00 will be made to SDOT to be used for the creation of traffic calming measures within the Jackson Place Neighborhood.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project

Other Impacts

Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Air Pollution Control Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased noise; loss of existing structures, light and glare, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

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

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

[X] 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).

RECOMMENDED DESIGN REVIEW CONDITIONS

1. Paving treatment and elevation changes shall be incorporated into sidewalks across vehicle drives in order to "read" as pedestrian zones from the perspective of motorists. For driveways that otherwise look like streets, stamped concrete and/or slightly raised cross walk elements shall be incorporated. At loading dock entries these crossing elements shall have an elevation change and surface pattern change where trucks enter and exit enclosed loading areas to give indication to drivers that they are crossing a pedestrian realm.
2. The exit stair and vault areas presenting facades without internal uses along the east side of the Corwin shall receive artistic surface treatments which will also extend in some manner across the vehicle entry area immediately to the south. The City Office of Arts

and Cultural Affairs will assist DPD in evaluating and approving the proposed art elements.

3. Extensive overhead weather protection over sidewalks along the three adjacent streets shall be provided in the manner shown at the July 10, 2007 Recommendation Meeting; which plan shall be incorporated into the plan drawings for the MUP and Construction permits.
4. The Dearborn Stairway shall be built as configured as shown at the June 10, 2007 Recommendation Meeting with additional landscape amenities added to include some which extends down from above the driveway entry to soften that edge.
5. The Signage Plan developed by the applicant, adding additional limits to signage size and location to that existing in the Seattle Sign Code, shall limit the signage allowed on the facades facing exterior streets as follows:

View Along S. Dearborn St.
One Large Anchor Tenant Sign, 720 sq. ft. maximum
Two Medium Anchor Tenant Signs, each 250 sq. ft. maximum
Six Junior Anchor Wall Signs and a Shopping Center Name sign, each 160 sq. ft. max.
Nine Shop Signs, each 80 sq. ft. maximum
Goodwill Signs (one for offices and one for store), each approximately 80 sq. ft.

View Along Rainier Ave. S.
Five Junior Anchor Tenant Wall Signs, each 120 sq. ft. maximum
Five Shop Signs, each 80 sq. ft. maximum
One Shopping Center Sign, 160 sq. ft. maximum

View Along Weller St.
One Large Anchor Tenant Sign, 80 sq. ft. maximum
One Medium Anchor Tenant Sign, 80 sq. ft. maximum
One Junior Anchor Wall Sign, 80 sq. ft. maximum
Sixteen Shop Signs, each 80 sq. ft. maximum

View Along 13th Ave. S.
Two Large Anchor Tenant Wall Signs, each 250 sq. ft. maximum
One Shopping Center Sign, 120 sq. ft. maximum
One Junior Anchor Wall Sign, 80 sq. ft. maximum
Parking directional signs

No commercial or shopping center identifying signs will be placed on the residential structures or their roofs.

6. Landscape materials used in green wall elements and other landscape along garage façade elements shall be hearty and attractive and a landscape maintenance plan shall provide for irrigation and long term maintenance.

7. Outdoor light fixtures shall be of as high quality as similar in design to those show in graphic information shown to the Design Review Board. The arrangement of lights suspended along a cable above the interior plaza to create a "ceiling of light" shall be included in the finished project.

8. The residential elements of the proposal have been reviewed from the point of view of site plan location including residential access points and for height, bulk and scale. Each residential element shall be required to obtain MUP level design review approval prior to construction.

9. The copper colored material used on some of the residential entry expressions in the base structure shall be incorporated in all of them.

10. In places where rooftops exist between residential buildings and edges of buildings on which they are located (as in the westernmost building along the internal drive) these rooftops shall be landscaped. This landscape shall be visible in some manner from the pedestrian level of the commercial area below (i.e. hanging over edge or of large enough scale to be seen from nearby surrounding street level areas).

11. The residential lobbies shall have windows of significant width, such as would be present for sizable lobby sitting areas.

12. The curb cut at the S. Weller St. loading dock and vehicle entry point for which a departure is granted to allow greater width shall be used to eliminate the need for a separate parking garage entry on S. Weller St. in the manner shown in materials presented at the August 7, 2007 meeting.

13. In the S. Weller St. loading dock area a paving change and signage at the driveway area beyond the sidewalk shall differentiate the route to be followed by autos from that leading to the loading dock.

14. The pedestrian entries along S. Weller St. shall be expressed in a form which is architecturally consistent with the immediately adjacent building expression. Compliance with this condition will be determined by the DPD Land Use Planner at the time of Construction Permit application for the base structures and again at project review (MUP and Construction Permit) for the residential building components of the project.

15. Exterior finish materials shall wrap into the driveway/loading dock an appreciable distance the amount of which will be approved by the DPD Land Use Planner.

16. The length and depth of retail spaces along S. Weller St. shall remain at least as large as shown on materials presented at the August 7, 2007 meeting; approximately 103 and 56 feet long and approximately 26 and 41 feet deep.

17. The proposed development must remain as represented to the Design Review Board and must retain site plan, landscape and architecture including, but not limited to, fenestration, architectural features and elements, arrangement of finish materials and colors relied upon by the Design Review Board in making its final recommendation.

18. Any minor changes proposed 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.

19. 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.

20. All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.

21. Invite the DPD Planner to all future building permit pre-application and pre-construction conferences to review for compliance with project conditions.

RECOMMENDED SEPA CONDITIONS

Prior to Issuance

1. City Council Preliminary Approval of street vacations necessary to construct this proposal must be obtained prior to issuance of this Master Use Permit decision.

2. "No building permit can be issued until the Street Improvement Plans are submitted to and conceptually approved by SDOT. The Street Improvement Plans need to include the utility relocation and all required street improvements within the Right-of-Way."

During Construction

3. The applicants shall develop obtain SDOT and DPD approval of and implement a construction transportation and parking mitigation plan prior to Construction Permit approval which shall insure construction worker parking takes place off street and provide measures to minimize traffic impacts in the surrounding area. Measures will include, but not be limited to: parking for construction workers at off site locations with shuttle service; truck routes and staging plan; plan for street use during construction which documents the extent of street, bicycle land and sidewalk closures during construction, and limits them as much as possible; identification of haul routes; and a requirement that construction staging areas be accessed from S. Dearborn St. whenever feasible.

4. A PSCAA Notice of Construction document shall be filed prior to commencing demolition activities.

Permanent

5. Design, construct and implement revisions to S. Dearborn St. and Rainier Ave. S. intersection to improve function for vehicle traffic, pedestrian crossing and bicycle traffic. The design of these measures shall be undertaken in conjunction with SDOT staff and shall be designed in conformity with Seattle Street Design Manuals and said designs shall be approved by SDOT prior to construction permit issuance. The improvements shall be constructed prior to issuance of certificates of occupancy to the project.

6. Build signalized intersection at S. Weller St. and Rainier Ave. S. to SDOT specifications. The design of these measures shall be undertaken in conjunction with SDOT staff and shall be designed in a form approved by SDOT in conformity to its design manuals and standards prior to construction permit issuance and built prior to certificates of occupancy to the project.

7. A Transportation Management Plan shall be prepared by the applicants and approved by DPD prior to any certificate of occupancy being issued. The TMP shall conform to the requirements of Director's Rule 14, 2002. It shall be implemented for the life of the project.

8. A voluntary mitigation payment (in accordance with RCW 82.02.020) of $75,000.00 will be made to SDOT to be used for the creation of traffic calming measures within the Jackson Place Neighborhood.

RECOMMENDED CONDITIONS AND TERM – CONTRACT REZONE

9. The changes in zone designation are established only for development with a building with substantially the same design and with substantially the same amenities and improvements in the pedestrian environment, both public and private, as the one approved in MUP 3001242 and its associated design review process. This applicant has proposed to include at least 400 residential multifamily units and provision of these units is required.

10. In order to insure that the project offered in return for this contract rezone is likely to be accomplished, the rezone shall expire in ten (10) years, unless this proposal has been constructed. (Active permits can also keep the new zone in effect as provided in SMC 23.76.060.)

Signature: (signature on file) Date: May 01, 2008
Scott Kemp, Senior Land Use Planning and Development Analyst
Department of Planning and Development
Land Use Division

SK:lc

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