



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number:	3001776
Applicant Name:	Michael Medina, Callison Architects, for Hughes Northwest, owner and developer
Address:	2701 Eastlake Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 3-story building containing 6,220 sq. ft. of retail at ground level and 45,895 sq. ft. of office space above. Parking for 83 vehicles to be provided below grade. Project includes 12,050 cu. yds. of grading. Existing structures to be removed.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following Code sections:

- SMC 23.47A.032.A.1.a and B.1.b (Parking Location and Access)
- SMC 23.47A.030 & 23.54.035 (Loading Berths)
- SMC 23.47A.008.B.3 (Height of Non-Residential Street-Level Space)
- SMC 23.47A.008.A.2 and B.2 (Blank Facades / Transparency at Street-Level)
- SMC 23.54.030.F.2.b (Curb-Cut Width)

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION:

Exempt DNS MDNS EIS

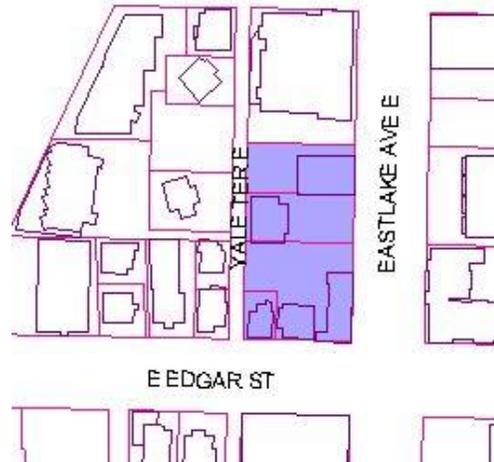
DNS with conditions

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

PROJECT AND SITE DESCRIPTION

The project proposes a three to five story office and retail / commercial structure with two levels of parking (Approximately 45,300 sq. ft. of office, 6,800 sq. ft. retail, and 84 parking spaces).

The grade change between Eastlake Avenue East and the named alley (Yale Terrace East) results in the Eastlake Avenue frontage having three levels: a retail / commercial level with office space behind and two stories of office above, while the alley frontage will have 5 levels, two of which would be parking. Access to the lowest parking level is proposed from the alley. Access to the 2nd level parking is proposed from East Edgar Street (requires a *Design Departure* from the Code requirements).



The site slopes downward approximately 12 feet between Eastlake Avenue and Yale Terrace. North to south along the alley the site dips in its center approximately 8-feet. The southern portion of the site is currently vacant while the northern half contains vacant restaurant and automotive repair buildings.

Abutting the site to the north is a 4-story mixed use building at the corner of East Hamlin Street and between Yale Terrace and Eastlake Avenue. Across Yale Terrace to the east are a variety of sizes and ages of residential structures, some used for office use.

The project site and parcels along the west side of Eastlake Avenue to the north and south are zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). Directly across Eastlake Avenue from the project site the zoning is Lowrise 2-Residential Commercial (L-2 RC) but transitions to NC2-30 to the north. Across Yale Terrace the zoning is Lowrise 3-Residential Commercial (L-3 RC). The site and surrounding area are within the Eastlake Residential Urban Village.

Public Comment

The two week Master Use Permit public comment period began October 10, 2008. No comments were received during that time. Public comment was also received at the Early Design Guidance meeting (held October 10, 2007) and two Recommendation meetings (held May 20, 2009 and June 17, 2009) and are summarized below. A full list of received public comments are in the respective meeting reports and available on DPD's web site and in the MUP project file at DPD.

RECOMMENDATION MEETING PUBLIC COMMENT

Five members of the community attended the Recommendation meeting and submitted the following comments and concerns:

- Eastlake Avenue should not be relied upon for the truck loading area; the required loading area should be on site;
- The proposed dual vehicle entries is good because the alley access entry will naturally direct traffic north to Hamlin Street where there is a traffic signal at Eastlake Avenue, unlike Edgar Street;
- The notched corners are a strong addition to the building design. Also, the design “theme” is repeated throughout all facades and the materials presented are varied but not gaudy.

EARLY DESIGN GUIDANCE MEETING PUBLIC COMMENT

Fifteen members of the community attended the Early Design Guidance meeting and offered the following comments:

- Many of the newer commercial buildings along Eastlake Avenue don't present an invitation for interaction between the public and the interior uses. The project's proposed modern design should not continue this.
- Extensive building modulation and “greenery” should be included along the street façade for a human scale.
- More building façade modulation should be added to the Eastlake Avenue East frontage.
- The proposed rooftop mechanical structure should be oriented east to west, not the view-blocking north to south proposed.
- The proposed retail / commercial space at the corner of Edgar Street and Eastlake Avenue should be two-stories to be more open and inviting.
- Retail / commercial space should extend along the length of Edgar Street.
- The proposed roof is large and will be visible from the east and uphill. A substantial area of green roof should be used to beautify this and lessen storm water run-off.
- Any alley vehicle access should be designed to be compatible with the alley's extensive use for walking and designation as a City bike route.
- A storefront should be included along Edgar Street.
- The project should not rely on using Eastlake Avenue for truck loading and unloading.
- The alley is too steep for truck access to an alley loading dock.
- The loading dock should be in the building's northeast corner and accessed from Eastlake Avenue.

ANALYSIS - DESIGN REVIEW

At the September 17, 2008 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and discussed the five requested *Design Departures*. The Board provided additional guidance and made recommendations. These follow the EDG Guidance, which are in *Italics*. The complete EDG and Recommendation reports are in the MUP file.

DESIGN DEPARTURES

Five *Design Departures* have been requested as part of the MUP proposal. See *Design Departure* matrix at the end of the Design Review section of this document for details.

A. Site Planning

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

- *The Eastlake façade should include modulation and / or variety of materials to visually reduce the length of the building.*
- *The site’s boundaries on three rights of way and location on a west facing slope should be taken advantage of to provide extensive interior day-lighting.*
- *The proposed north to south oriented mechanical penthouse is at odds with the westerly views to the lake and mountains from the general area uphill to the east. Alternatives showing this structure broken into smaller increments or re-oriented to not create a visual wall should be included with the MUP proposal.*

Recommendation Meeting. The Board feels the re-oriented and reduced size roof-top mechanical screening adequately responds to the guidance. However, they do not feel the continued “collection of frames”, although now using a wider variety of materials, reduces the building length along Eastlake Avenue. See A-5, B-1, and C-3 below for further discussion.

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

- *The design of the Eastlake and Edgar façades should acknowledge and respond to any positive datum and rhythm along these respective streets.*

Recommendation Meeting. The continued frame design does not indicate it was designed with any acknowledgement of the existing modulated structures to the north along the west side of Eastlake Avenue or the scale and rhythm of the existing residential structures to the east across Eastlake Avenue. See A-5, B-1, and C-3 below for direction on how the design could respond.

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

- *Both street level façades should include multiple visible entrances to the different uses inside and transparency to create a connection between the street and interior uses.*

Recommendation Meeting. The Board feels the Eastlake Avenue street level largely meets this guidance. However, although the proposed Edgar Street corner patio has been expanded slightly and a hill-climb “eddy” / sitting space has been added, these need to be expanded to create the

transparency and permeability between this important frontage and the building interior. The Board emphasized that this area will only be an amenity if it activates the street level, such as, through integration with the building interior. Consequently, the design of this area should:

- Increase the interaction potential between the building's SE corner interior and sidewalk across the patio by removing or lowering the proposed landscaping at the railing area.
- Expand the patio width to as close to the sidewalk as allowable by SDOT, even if an annual Street Use Permit is required. (This may already be proposed but it is unclear from the site plan shown.)
- Go beyond the minimal single swinging door from the interior to the patio. A swinging door will reduce the usability of and access to a significant portion of the patio. Include generous overhead or sliding doors instead.
- Connect the patio with the "eddy" space by the addition of stairs. This will create a direct connection between the otherwise commercially bereft Edgar Street garage vehicle and man door areas and the Edgar Street commercial frontage.
- Seek ways to continue the inclusion of a seating area at the new stair landing.
- In response to the above stair and landing change, consider whether the adjacent horizontal window frame system should be changed to create a more natural visual interaction between the interior and stair landing.
- Consider providing an operable storefront door at the westernmost glass wall connecting to the "eddy" space.

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

- *The proposed landscape screening along the alley and terraced set-back of an upper office level should be continued as a method to create a transition between this use and zone and the Lowrise zone to the west. An additional terraced set-back between the first and second office levels should also be explored (see B-1 Height, Bulk, and Scale below).*
- *The amount of glazing proposed for the west façade should be carefully considered for minimizing glare impacts on properties to the west, both immediately and across the lake, and from the lake itself. Results of this exploration should be presented with the MUP submittal (for SEPA) and for presentation at the Recommendation meeting (e.g. what is the anticipated level of glare in comparison to other high glare producing facades in this area? etc).*
- *See A-1 above regarding minimizing the loss of westerly views from all affected areas to the east.*

Recommendation Meeting The Board feels the terraced planter proposal, with a variety of evergreen plantings, is a responsive approach to both screening the building and creating a transition at the alley level. However, due to the narrow alley and likelihood of contact with vehicles, the planters should not be wood, but a durable material such as concrete. The exterior faces of the planters should include color and/or designs that make them visually appealing. Remember that the alley is a major pedestrian and bicycle thoroughfare for this section of the Eastlake neighborhood.

The Board was puzzled why no design response was shown to the guidance on stepping the building mass between the alley level and the third-level roof deck, and a large area of west facing vision and spandrel glass was proposed along almost one-half of the façade. The Board noted that:

- The presented design exaggerates the horizontality of this façade, which is not desirable;
- The use of spandrel glass is in direct conflict with the guidance on reflectivity. Regardless of the low reflectivity of the glass, it will still be more reflective than a non-glass material.
- Overall, the design insufficiently responds to the adjacent finer grained, lower scale multi-family / residential commercial zone (L3- RC) and the need to create an aesthetic transition to the residential area. See specific guidance in C-2 below.

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

Because of its proposed proximity to the alley, the proposed Edgar Street driveway and garage entrance could be reduced below the Code required width to a size that will minimize the disruption of the pedestrian environment, but still allow safe vehicle travel. A Design Departure for this would be considered by the Board.

Recommendation Meeting. The Board had mixed opinions about split vehicle access. On the one hand, if the alley functions more like a street (it is the only north to south connecting street west of Eastlake Avenue in this section of the Eastlake neighborhood) any vehicle access should be prohibited due to its narrow and steep character. On the other hand, full street access from Edgar Street is not desirable because the street is a dead-end, narrow, and meets Eastlake Avenue at the crest of a hill and an un-signalized intersection. Additionally, the Board feels the split access is substantially driven by the applicant's desire to avoid the internal ramping and consequent loss of parking spaces that would be required of any single-access scenario. However, the EDG guidance was generally supportive of dual access provided it met the overall *Design Guidelines* hence the Board feels its continued support of this *Departure* request is warranted.

The Board is concerned that vehicles exiting the lower garage and then alley to Edgar Street creates three problems: one is when exiting through steep grade out of the alley to Edgar Street there is minimal visibility of other vehicles, bicycles, pedestrians approaching from any direction, second is a left turn conflict with exiting vehicles from the Edgar Street garage entrance also turning toward Eastlake Avenue, and finally increased congestion on Edgar Street and difficulty entering onto Eastlake Avenue from Edgar Street. Consequently, the Board **Recommends** this *Departure* request with the **Condition** that the alley garage access be traffic controlled to allow only "right-out" turns. This would direct exiting traffic northbound in the alley to Hamlin Street and will avoid the south-end steep grade and utilize the signalized Hamlin / Eastlake intersection. This **Condition** is contingent on approval by DPD's transportation planner and SDOT.

The Board discussed three additional *Design Departures* associated with the split vehicle access and two level parking proposal (see *Design Departure Matrix* at the end of this document for specific Code references and details).

- **Thirteen-foot Floor to Floor Height.** Because the upper parking level faces a street and is a non-residential use, it is required to have a 13-foot floor-to-floor height. This general requirement is to support viable street front commercial use. The Board ***Recommends Approval*** of this request because it is unnecessary to provide that height for parking and the intent of the Code is to support commercial uses when provided. Not providing a commercial use here is a better design response for the alley and traffic related reasons given.
- **Street Front Transparency.** Due to the down-sloping grade change along the Edgar Street frontage and the *Design Departure* for Edgar Street vehicle access, it is not possible to meet the limit on blank façade areas between 2-feet and 8-feet above sidewalk level of no more than 20' feet in length and 40 percent of the overall façade. The Board ***Recommends Approval*** of this request ***Conditioned*** on making changes to the area between the garage man door and building's southeast corner as outlined in A-4 above.
- **Reduced Curb Cut Width.** The required curb-cut width for two way traffic is 22 feet. However, reducing this width to 20 feet, if safe for vehicle movement etc, is preferred as it will reduce the area of vehicle movement across the sidewalk. The Board ***Recommends Approval*** of this request.

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

The proposed Design Departure from providing a loading berth could result in a loss of on-street parking (for an additional or expanded on-street loading zone), conflict with the current peak-hour no parking lane that would be used for loading, and negatively affect the desired synergy between the street-level commercial spaces and the pedestrian environment.

- *To pursue this departure request the applicant shall provide data with the MUP application on the loading berth needs of similar sized buildings with a similar tenant mix and the operational profile of on-street loading (entrance needs, traffic conflicts, etc).*

Recommendation Meeting. The Board expressed frustration at not having any data on the traffic and transportation implications of this request other than the applicant's assertions that they do street-based deliveries at their other properties along Eastlake Avenue. Requests have been made to the applicant to provide this information during the MUP review process but have not been fulfilled.

The Board does see the difficulty for large trucks (of the size that would fit the required loading berth dimensions) accessing an alley located loading berth. It recognizes that the alternative locations of an Edgar Street garage access or directly from Eastlake Avenue are not desirable because of the negative impact on the pedestrian environment / streetscape.

Within this context, the Board ***Conditionally Recommends Approval*** of a reduction in the on-site loading berth size provided DPD transportation and traffic analysis demonstrates no unavoidable over-riding negative impacts will result from a reliance on street / curb-side deliveries.

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.

The character of the Edgar Street and Eastlake corner does not require building orientation to the corner. However, the design should continue and maximize the proposed extension of the street level commercial space along Edgar Street along with the proposed outside terrace.

Recommendation Meeting. The Board supports the expanded corner patio presented but directs the design to incorporate the additional directions under A-4 above.

B. Height, Bulk and Scale

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

The site is uphill from the adjacent and downhill Lowrise zone.

- *To create a sensitive transition to this less-intensive zone, the design should continue the proposed stepping of the building's alley façade and add this between the office first and second levels, or other design technique to achieve this goal. The proposed alley façade landscaping should be pursued, but because it serve to screen more than reduce the height, bulk, and scale, can not be fully relied upon to address this guidance.*

Recommendation Meeting. The presented design did not incorporate the first to second level set-back or address why this wasn't included.

While the Board did not question or continue this as an issue it did conclude the proposed design does not:

- Reduce the bulk (length) of the building along Eastlake Avenue (see discussion in A-1 above),
- Make a successful transition between the site's NC zoning and the adjacent and lower-scaled L3-RC zone (see A-5 above),
- To reduce the building bulk along Eastlake Avenue the frames need to be broken-down by strong vertical elements (if the frame concept will be continued). These need to be stronger than the vertical fins now proposed for the Eastlake and Edgar frame sections. The NE and SE corner modulations are positive examples of strong vertical elements. An approach could be to continue the street level columns upward. See additional guidance under C-2 below.

C. Architectural Elements and Materials

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

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

The Board noted that the selection of proposed materials has the potential to create a unified form and design expression but:

- *The proposed Eastlake façade design should include more modulation for a reduction in perceived building length.*
- *The proposed upper level frame expression now appears to tower-over and minimize the visibility of the street level commercial frontage; this should not occur.*

Recommendation Meeting. As noted above, the Board does not feel the presented design responds to the guidance for *Context, Bulk, and Scale*. The Board did note that the greater array of materials (a broader palette of colors and textures) is a positive addition. However, these are inadequate in the context of the frame expression.

The architects contend that the frame concept has “clarity of design” and the MUP additions keep it “true to itself”. However, the Board does not see it responding positively in the overall Eastlake context and the immediate surrounding context.

- The presented design is deficient in modulation to achieve the goals of *A-1* and *B-1* above; this should be added as below:
- Modulation provided on the retail level along Eastlake Ave. creates a rhythmic, human scaled experience along the sidewalk and should be carried up the building to provide vertical modulation to the Eastlake façade.
- The Board noted the exaggeration of the large scale frames by the use of a field of spandrel and vision glass within the frames, particularly the pre-cast frame sections,
- The proportions of the frame members on the west side of the building are not in keeping with the finer grain scale of the residential zone to the west and should be broken up with vertical elements and/or modulation (vertical stepping back of the building mass).

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.*

Recommendation Meeting. The Board supports the selection of the proposed colors and materials; they are clean and modern. However, they are not sufficient for responding to the other issues as noted above.

The alley's terraced planters should not be constructed of wood railroad or landscaping ties but should be durable and attractive. The use of concrete is a suggestion (see A-5 above).

D. Pedestrian Environment

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.

A priority for the commercial frontage along Eastlake Avenue and Edgar Street.

Recommendation Meeting. The Eastlake Avenue frontage is responsive to the guidance given. See A-4 and A-10 above for continued guidance on the Edgar Street façade.

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.

All presented design alternatives showed a portion of the Edgar Street façade adjacent to the alley without an allowed use between the parking and the street level street facing façade as required by Code (SMC 23.47A.005.C). The inclusion of a vehicle entrance (by requested Design Departure) will address most of this area. The street grade across a substantial portion of this façade will make most, but not all, of this requirement moot. If the remaining portion of the façade above grade is proposed without a required intervening use a Design Departure must be requested and the street level landscape design and wall treatment should be attractive and supportive of the pedestrian environment.

Recommendation Meeting. The Board **Recommends** approval of the *Design Departure* for Edgar Street parking access as **Conditioned** above. However, the street parking access then requires the other *Departures* for *non-residential floor-to-floor height*, which precludes a street-activating commercial use in this location, and partially drives the *façade transparency* request (because of the sidewalk slope a *Departure* from the *transparency* requirements could be necessary even with a commercial use). Because of the reduced street-front transparency it is important that the remainder of the street level façade and site at street level follow the guidance in *Human Activity* and *Pedestrian Oriented Open Space* (A-4 and D-1 above).

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

- *Proposed alley facing garbage and recycling areas should be screened from view.*

Recommendation Meeting. The design locates these service and utility areas within the garage levels. The alley garage entrance is presented with attractive roll down doors for garage and service area access.

- If garbage and recycling (or any) storage is within the Edgar Street garage, it should be screened from street view.

Summary of Board Recommendations

The Board noted the ways the design did not respond to the Early Design Guidance. However, it was willing to ***Recommend Conditional Approval*** subject to submittal of design changes in response to this further guidance and its review and approval by the DPD project planner.

SUMMARY OF DEPARTURE REQUESTS

Land Use Code Standard	Proposed Amount of Departure	Rationale for Request	Board Recommendation and DPD Decision
Parking Location and Access. Vehicle access must be from an abutting alley. (SMC 23.47A.032).	The project proposes vehicle access from the alley and East Edgar Street.	The grade of the alley and the predominately residential uses across it to the west are not compatible with full alley access. Access to one level of parking from Edgar Street will keep evening hour commercial parking out of the alley and facilitate customer use of the parking garage instead of the limited on-street parking. A-8	The Board <i>Conditionally Recommends</i> approval of this request provided the Edgar Street frontage is further improved per the guidance in this document. DPD <i>Approves.</i>
Loading Berths. Required based on size of proposed uses. One loading berth expected for proposed office use. (10' wide, 14' high, 35' long / 25' long with exception.) No berth required for expected retail or restaurant use, unless restaurant use > 10,000 square feet. (SMC 23.47A.030 & 23.54.035).	Reduced size of 13.5' x 20' x 9' high in the alley accessed garage.	The steep alley grade makes truck access very difficult and if accessed, would create noise and character impacts on the L3 zone and ped and bike alley users; applicant experience with this size of project and mix of uses is the berth requirement is excessive; the minimal deliveries expected with this project can be made from Eastlake Avenue; the delivery van sized space accessed from the alley will be useable. A-9	The Board <i>Recommends</i> approval of this request if DPD's transportation planner and SDOT approve of the majority of deliveries from the street. DPD <i>Approves.</i>
Height of Non-Residential Street-Level Space. Minimum of 13' floor to floor	Parking garage would have 10' floor to floor height.	Because of the grade change along Edgar Street, it is not feasible to have a use requiring this floor to floor	The Board <i>Recommends</i> approval. DPD <i>Approves.</i>

height. (SMC 23.47A.008.B.3)		height except at the southwest corner. However, the parking entrance will be at this corner per the <i>Recommendation</i> under the Parking Location and Access departure above. A-4	
Blank Facades at Street-Level Maximum of 40% of façade blank; max. 20’ blank length, transparency between 2’ and 8’. (SMC 23.47A.008.A.2 & B.2)	Approximately 60% blank; approx. 58’ blank distance; approx. 11’ length of full transparency, approx. 29’ partial transparency.	The grade change and planned parking garage entrance make these requirements unachievable. A-4	The Board Conditional Recommends approval based on the guidance given. DPD Approves .
Curb-Cut Width Minimum 22’ for two-way traffic. (SMC 23.54.030.F.2.b)	20’ curb-cut width.	22’ is not necessary. A reduced width would have less vehicular impact on the ped environment (less driveway across the sidewalk and then more landscaping opportunities). A-4	The Board Recommends approval. DPD Approves .

DIRECTOR’S ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the *Unanimous Recommendation* of the four Design Board members present at the Design Review recommendation meeting and finds that the Board acted within its authority and the Board’s recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings*.

After numerous discussions and meetings with the project planner the applicants submitted the following design responses to the Board’s Recommendation Meeting further **Recommendations** and **Conditions**:

- Nine inch deep vertical fritted glass fins will replace some previously proposed mullions in the southern Eastlake Avenue frame (eight fins) and the eastern Edgar Street frame (six fins) to reduce the scale of the frame elements on Eastlake Avenue and Edgar Street;
- The west side upper level pre-cast siding will be replaced with the corrugated metal siding proposed on the remainder of this level’s façade to reduce the building scale and create a better transition to the adjacent L3-RC zone;
- The west side precast frames that also serve as the roof deck parapet will be lowered two feet and replaced with a clear glass parapet / railing assembly to reduce the building scale and create a better transition to the adjacent L3-RC zone;
- The south frame element has been reduced in length approximately 12 feet and replaced with full height glazing to reduce the west façade’s scale;

- Add stairs between the Edgar Street “eddy” and the south side patio fully on the project site. Initially the patio was to extend into the ROW and to the sidewalk. However, current SDOT (Seattle Department of Transportation) policy does not allow private structures in the ROW, consequently the patio will only extend to the property line;
- Textured concrete block instead of wood ties for the ally facing stepped screening planter;
- On the west façade, middle section, add a metal canopy with wood composite underside at the second level / roof deck level to match that below;

The project planner has reviewed the updated design and found that they are the applicant’s best response to the Board’s Recommendation meeting conditions and will help the design meet the Board’s guidance and recommendations. Based on this determination the Director **APPROVES** the proposed design and related departures (subject to the **Conditions** found at the end of this decision).

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated January 14, 2008 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising 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 or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

Site clearing and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation (approximately 12,050 cu. yds.) and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials,
- Construction parking and traffic impacts.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater, Grading and Drainage Control Code, the Noise Ordinance, the air pollution standards of the Puget Sound Clean Air Agency (PSCAA) and the Street Use Ordinance. The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil

erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Seattle Department of Transportation (SDOT) regulates construction truck routing to minimize impacts on the surrounding area. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Therefore no conditioning for these short term impacts is required. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as construction noise, greenhouse gas affects on air quality, impacts on pedestrian and bicycle circulation, and construction parking impacts, and therefore warrants further analysis.

Noise

The project is estimated to take approximately 12 months from the start of demolition / excavation activities through the issuance of a Certificate of Occupancy. The site is across from residential uses to the west (L-3 zone with a variety of multi-family structures), north (a large mixed-use building), and east (multi-family buildings). Consequently residential uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction, such as but not limited to site clearing, excavation and shoring. Compliance with the Noise Ordinance (SMC 22.08) is required and limits the use of loud equipment to the hours between 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 7:00 p.m. on weekends and holidays. The standard noise levels received from a commercially zoned lot at another commercially zoned lot and at a residentially zoned lot are 60 and 57 decibels (dBA) respectively. However, during these same daytime hours sound levels may exceed the above Code maximums by 15 to 25 dBA for various types of construction equipment. Further, “impact” or “impulse” noise generating construction equipment may produce noise levels up to 99 dBA for short periods of time between 8 a.m. and 5 p.m.

Because of the proximity of multiple residential buildings to the project site and the likelihood of disturbance to the occupants of these buildings on weekends from normally allowed construction noise the project will be **Conditioned** as follows:

- Hours of work are limited to non-holiday weekdays between 7 a.m. to 6 p.m. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Construction activities outside these hours may be authorized in conformance with the approved Construction Impact Management Plan, that is a project **Condition**, when necessitated by construction, safety, or street-use related situations (such as work that requires closure of Eastlake Avenue traffic lanes that cannot occur weekdays, or movement of overhead transit trolley lines).

The purpose of the Construction Impact Management Plan is to assure anticipation of and planning for coordination and management of possible extended work hours and street and sidewalk closures within the above limited situations. The plan shall be submitted to the DPD MUP project planner prior to the building permit application pre-construction meeting (for possible discussion at the pre-construction meeting) and must be approved prior to the issuance of any building permit.

Requests for extended weekday construction hours or on weekends, based on the Construction Impact Management Plan or caused by unforeseen events, must be submitted to the Land Use Planner at least three days in advance of the requested dates in order for allow DPD time to evaluate the request.

Air Quality

On-site construction activities themselves will generate minimal direct impacts. However the indirect impact of 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 that 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. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Pedestrian and Bicycle Circulation

Abutting the development site and on both sides of Edgar Street and Eastlake Avenue there are public sidewalks. Yale Terrace along the site's west side serves as the only pedestrian (and vehicular) property access to five parcels that front this segment of Yale Terrace. This portion of Yale Terrace is also a City designated bike route. These pedestrian and bicycle facilities currently provide predictable circulation pathways north and south bound along the east side of Lake Union. The intersection of Edgar Street and Eastlake Avenue does not have a signalized crosswalk.

These pedestrian and bicycle facilities are well used. Closure of Yale Terrace or the sidewalk along the site frontage with Eastlake Avenue, which is a busy arterial with numerous bus lines, is likely to have significant impacts on pedestrian circulation. Based on this it is appropriate to use SEPA policy authority to require that safe and predictable paths of pedestrian and bicycle travel be established and maintained along the project site. Under SMC 25.05.675 B (Specific Environmental Policies, Construction Impacts) "mitigating measures to address adverse impacts relating to pedestrian circulation during construction may include, but are not limited to...covered sidewalks or alternate safe, convenient and adequate pedestrian routes and...limits to the duration of disruptions to pedestrian flow."

Consequently, the following *Condition* applies:

- Yale Terrace shall be kept open and safely passable throughout the construction period. Temporary closures of Yale Terrace for very short duration specifically for work on the alley surface or utilities beneath the alley may be allowed based on the approved Construction Impact Management Plan.

The sidewalk abutting the project site along Eastlake Avenue shall be kept open throughout construction. Covering the sidewalk is the standard method for assuring the sidewalk is passable for pedestrians and necessary construction work can occur around and above the sidewalk.

Temporary closures of the Eastlake Avenue sidewalk may be allowed based on the approved Construction Impact Management Plan and when DPD has determined, in consultation with SDOT, that closure is essential for traffic safety during excavation and shoring or for construction work that cannot occur without substantially lengthening that specific construction phase in a manner that would adversely impact the pedestrian circulation this condition is intended to protect. These closures may only occur when it is demonstrated that alternative protective measures, such as installation of a temporary covered sidewalk, would not be feasible.

Any request for the temporary closures of either Yale Terrace or the Eastlake sidewalk must be submitted to DPD at least three days in advance of the desired closure. Any temporary closure must have DPD as well as SDOT approval. Occupants of the parcels along Yale Terrace with vehicle access only from Yale Terrace shall be notified at least 24 hours in advance of such approved closure by the general contractor. This notice shall include a contact number for work hour and after hour contact to the general contractor.

Construction Employee Parking

The neighborhood surrounding the project site has relatively high density with many older structures, some of which do not provide on-site or current Code required on-site parking. Many of the surrounding streets provided limited parking opportunities due to inadequate capacity / excessive demand. The anticipated parking demand from the number of construction workers typical for a building of this size, if a substantial number of these workers were to arrive by single-occupancy vehicle, could therefore cause adverse impacts on the surrounding neighborhoods parking capacity.

A survey of the surrounding streets indicates that the majority have daytime limitations on parking duration. On Eastlake Avenue East along the project frontage parking is prohibited during the AM peak hour and then allowed after 9 a.m. On the surrounding side streets parking is controlled by restricted / residential parking zone hour limitations of either a two or four hour maximum if without a permit. One block to the north and one-half block to the west on Fairview Avenue north of East Hamlin Street there is substantial non-time limited parking availability. Based on these existing restrictions and the availability of very frequent transit service along Eastlake Avenue, which connects to both Downtown and the University District, two transit hubs, and the on-site parking garage being constructed as a part of this project, which can be used for employee and sub-contractor parking once these levels are complete and while the upper floors are being constructed, only limited conditioning is required for this anticipated impact as follows:

Condition

If project related parking demand is found to cause a substantial shortage of on-street neighborhood parking, as evidenced by neighborhood complaints to the general contractor, each level of parking should be made available to employees and sub-contractors for site-related parking as they are completed. A contact number for work hour and after hour contact to the general contractor shall be posted on the site to assure communication between affected neighbors and the general contractor.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips and utilities usage; increased height, bulk, and scale on the site; and increased area traffic. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require the building be constructed to the Code standards for insulation and energy efficiency; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality and traffic impacts, and therefore warrants further analysis.

Air Quality

The number of commercial tenant and customer vehicular trips associated with the project is expected to increase from the relatively small amount previously generated by the site's largely commercial uses, and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes will 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; therefore no Conditioning is warranted.

Height, Bulk, and Scale

The City's SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts with the approved design as contemplated within this SEPA policy. Since the Design Review Board recommended conditional approval of this project, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Transportation

A *Traffic Impact Analysis*, dated January, 2009, by The Transpo Group was submitted for review by the project planner and DPD's transportation planner. The report evaluated existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project, evaluated the impact of these new trips on the level-of-service of surrounding streets and evaluated the proposal to have large vehicle loading occur in the ROW in response to the proposed Design Departure from the on-site loading berth size requirements (see A-9 and Departure Matix above). A copy of the report is in the project file at DPD.

The report was reviewed by DPD's transportation planner who concurs with the report's findings that the project as proposed is not expected to have adverse parking or traffic impacts, and consequently no off-site or on-site mitigation measures are required. Regarding the reduced size of the on-site loading zone and use of the ROW for larger vehicle loading, the report found that project related loading is anticipated to be minimal due to the size of the proposed project and the proposed mix of land uses. It anticipates that the location of an SDOT reviewed "Load and Un-Load Zone" on the north side of Edgar Street should provide a viable, safe and effective loading solution and would not result in impacts to safety or vehicle operations along this street, at the intersection with Eastlake Avenue, or on the proposed Edgar Street garage access.

The DPD transportation planner also considered the Design Review Board **Recommendation** to require right-out only turning from the Yale Terrace garage access (lower level garage). The intent of this Recommendation is to lessen project vehicular conflicts along Edgar Street with pedestrians and bicycles entering Yale Terrace from the south, conflicts with exiting vehicles from the Edgar Street garage access (permitted as a Design Departure), and vehicular noise impacts to the structure at the intersection of Yale Terrace and Edgar Street from vehicles stopping and then accelerating at the top of the steep hill on Yale Terrace. DPD's transportation planner found that allowing left-turn exits from the garage would likely cause the adverse impacts as listed above and that right-turn only garage exiting would serve to lessen these impacts. The inclusion of "Right Turn Only" signage at the Yale Terrace garage exit is therefore a project **Condition**.

Based on the above analysis, no long-term transportation mitigation is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

This decision was made after review by the responsible official on behalf of the lead agency of completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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.030.2C.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030 2C.

DESIGN REVIEW STANDARD REQUIREMENTS

1. The building constructed shall comply with all images and text on the final MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping) as *Conditioned* below. This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. **An appointment with the assigned Land Use Planner must be made at least three 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.
2. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner in advance of any construction changes.

DESIGN REVIEW CONDITIONS

Prior to Issuance of the Master Use Permit

1. Update the MUP plan sets as follows:
 - a. Update the following plan sheets in Plan Set #1 to reflect the red-line / clouded remarks on the corresponding plan sheets in Plan Set #2: A-C.01, L 100 & 101, A 1.01, A 2.01 & 2.02 (color elevations).
 - b. Update Plan Sets 1 and 2 to include color versions of the September 17, 2008 Recommendation packet page 12, "Exterior Finish Materials" and page 13, "Materials Key" with the following changes: Remove the pre-cast concrete on the upper floor and add the metal canopy to second level center portion (above garage entry) of the alley elevation.
 - c. Update all plan sheets to conform to any zoning reviewer required updates.
 - d. Embed all conditions on the cover sheets of Plan Sets 1 & 2 and on all building permit plan set cover sheets.
 - e. Insert the window fin details (9" deep fritted glass fins: 8 on Eastlake, 6 on Edgar) on elevation plan sheets.

Prior to Issuance of the Building Permit

2. The design shown in the building permit plans shall conform to all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping), subject to any DPD approved post MUP design revisions.

Prior to Issuance of the Certificate of Occupancy

3. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three 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.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Grading, or Building Permits

4. DPD approval of a Construction Impact Management Plan. The plan must be submitted to the DPD MUP project planner prior to the building permit application pre-construction meeting (for possible discussion at the pre-construction meeting) and must be finalized and approved prior to the issuance of any building permits.

During Construction

5. The following conditions shall be posted on the property line of each site street frontage and the Yale Terrace frontage in a location that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site and readable for the duration of construction.
6. If project related parking demand is found to cause a substantial shortage of on-street neighborhood parking, as evidenced by neighborhood complaints to the general contractor, each level of parking should be made available to employees and sub-contractors for site-related parking as they are completed. A contact number for work hour and after hour contact to the general contractor shall be posted on the site to assure communication between affected neighbors and the general contractor.
7. Hours of work are limited to non-holiday weekdays between 7 a.m. to 6 p.m. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Construction activities outside these hours may be authorized by the Land Use Planner based on the approved Construction Impact Management Plan or when necessitated by unforeseen construction, safety, or street-use related situations. Extended construction

hours or weekend work days must be requested and submitted to the Land Use Planner at least three days in advance of the requested dates in order for allow DPD time to evaluate the request.

8. Yale Terrace shall be kept open and safely passable throughout the construction period. Temporary closures of Yale Terrace for very short duration specifically for work on the alley surface or utilities beneath the alley may be allowed based on the approved Construction Impact Management Plan. The sidewalk abutting the project site along Eastlake Avenue shall be kept open throughout construction.

Temporary closures of the Eastlake Avenue sidewalk may be allowed based on the Construction Impact Management Plan when it has been determined by DPD in consultation with SDOT that closure is essential for traffic safety during excavation and shoring or for construction work that cannot occur without substantially lengthening that specific construction phase in a manner that would adversely impact the pedestrian circulation this condition is intended to protect.

Any request for the temporary closures of either Yale Terrace must be based on the Construction Impact Management Plan and submitted to DPD 3 days prior to the desired closure. Any necessity judged to require a temporary closures in each instance have DPD in consultation with SDOT. Occupants of the parcels along Yale Terrace with vehicle access only from Yale Terrace shall be notified at least 24 hours in advance of such approved closure by the general contractor. This notice shall include a contact number for work hour and after hour contact to the general contractor.

Prior to Issuance of the Certificate of Occupancy

9. Install "Right Turn Only" signs at the Yale Terrace garage exit.
10. Receive SDOT approval for and install a "Load and Un-Load" zone along the project side of East Edgar Street.

Signature: _____ (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: September 24, 2009