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: 3004296

Applicant Name: Peter Goodall, SMR Architects, for Homesite

Address of Proposal: 809 Hiawatha Place South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six story, 94 unit apartment building with 8 live-work units totaling 9,537 square feet on the ground floor. Parking for 128 vehicles will be located in a below grade garage.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code (SMC) with Development Standard Departures:

1. Lot coverage – to exceed 64 percent lot coverage for the residential portion of the building above 13 feet from finished grade. (SMC 23.47.008D)
2. Open Space – to provide less than the minimum required open space (20% required 11.89% proposed) (SMC 23.47.034).
3. Ground floor 13 foot height – 13 feet required, 12 feet proposed (SMC 23.47.008C2).
4. Structural building overhang – (SMC 23.53.035A.4.c.).

Environmentally Critical Areas Exception Section 25.09.300 – to allow the filling of a 5,000 square foot wetland and to waive the general development standards of Section 25.09.060B and the wetland development standards of Section 25.09.160B.1.b.

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS
[X] DNS with conditions
[X] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The site is located in a Neighborhood Commercial 3 65' zone just south of downtown Seattle near the northern end of Rainier Avenue South. The site faces on Hiawatha Place South, which is located on the block east of Rainier Avenue South. The Street is bounded by South Dearborn Street on the north, and South Charles Street on the south. An unimproved alley bisects the block, creating the rear western edge of the site. The site is located mid-block.

The site has 260 feet of frontage along Hiawatha Place South, and is roughly 100 feet deep. While the surrounding streets and other parcels fronting them are generally flat, this site slopes down to the alley right-of-way, which is the lowest point in the surrounding area. It appears that this topographic anomaly was caused during the grading for the Rainier Avenue and Charles Street right-of-ways. The site is presently vacant with the remains of foundations from several houses already demolished.

The site is mapped with a 5,000 square foot wetland, a 40 percent steep slope, and as a liquefaction area. Two wetland reports prepared by Keith Fabing Inc. and Raedeke Associates, Inc. indicated the wetland is a category IV wetland. The August 27, 2007 Raedeke report concluded the KFI-identified wetland area was not dominated by hydrophytic vegetation, and native hydric soils were not present at the time of their June 7, 2007 site visit. In addition, primary indicators of wetland hydrology such as inundation or saturation within a major portion of the root zone was not present at that time although secondary indicators were noted such as evidence of ponding. It was the wetland biologist's professional opinion that hydrologic data collected by KFI staff in January 2007 are not sufficient to indicate whether the site is either inundated or saturated to the surface for at least five percent of the growing season (late February through the end of October) as required under the COE (Environmental Laboratory 1987) and WDOE (1997) wetlands delineation manuals. They recommended revisiting the site during late February or early March to assess whether sufficient indicators of wetland hydrology are present within the KFI-identified wetland area to warrant a wetland determination. If further study shows that the area meets the criteria to be a wetland, then it would be rated as a Category IV (Hruby 2004) wetland with very low functional value.

Area Development

The zoning is IC 65' to the west along Rainier Avenue South, NC3R/40' across the street to the east, Lowrise 1, 2, and 3 further east and to the north and south, ending at a large Single Family 5000 zone. The topography rises abruptly to the east and north. The site itself, along with land to the south and west are generally flat, forming the valley in which Rainier Avenue South is located. There are a variety of drive-in businesses and low-density industrial uses along Rainier Avenue South. A drive-in restaurant with a large parking lot and an automotive body shop are located immediately west of the site. There is a complex of multi-family co-housing townhouses across the street to the east. There are single family residences further uphill and to the east.

There are a number of duplexes along the east side of Hiawatha on the blocks to the south, and larger residential structures in the NC3R/40' zone on the west side of the street.

Proposal Description

The applicants propose to construct a six story mixed use building with 94 condominium units and 10,400 square feet of live-work units fronting along Hiawatha Place South. Approximately 128 parking spaces will be provided on two basement levels with access from the alley. Homesight, the developer, is a non-profit organization that creates affordable for-sale homes aimed at first time homebuyers.

Public Comment

One comment letter was received during the comment period which ended September 13, 2006 for the first notice of application and August 22, 2007 for the revised notice. Concerns were expressed about the traffic impacts of the new units on Hiawatha Place South and that Hiawatha is the safest bike path between Dearborn and the I-90 bike path.

ANALYSIS – DESIGN REVIEW

PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project:

A-2 Streetscape Compatibility

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

The Board recommended high quality finishes and materials. The Board recommended that the architects pay attention to the street level treatment as a basis for granting the requested open space departure. The Board said there should be "eyes on the street" and stepping the building mass back more toward the alley could maintain "eyes on the street" for pedestrian safety.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

The architect said the live-work units will open onto the street which implies a large expanse of glass at street level. The Board said this speaks to designing a façade that indicates the live-work use and incorporating the open space effectively with the street level use. The design should express finesse and detail in the articulation of the street level façade including the materials and window detailing.

A-5 Respect for Adjacent Sties

Building 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 Board said the Homesight project could create a huge vertical wall towering over the Jackson Place project across the street. The Board said the architects should look at ways to minimize the impact of the façade such as stepping back the upper floors, modulation, or recesses.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board said the building should step back more on the upper levels to be consistent with the Jackson Place Development. The Board said the proposed shared plaza between the two projects is a good feature to retain. The proposed open space is ten percent of the site area while the required open space is 20 percent. The Board said if the building is stepped back on the upper levels, the 17,000 square feet on the first floor decks could bring the open space up to 15 percent thereby reducing the amount of the open space departure. The Board supported the ideas of stoop entrances and transparent display space for the live-work units.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities or creating usable, attractive, well-integrated open space.

The Board said combining the open space with the adjoining project will increase the appearance and perception of open space at ground level. The Board supported the concept of combined open space together with a departure to reduce the total open space for this project.

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.

The Board said they will look closely at the treatment of the alley and the location of parking during the recommendation meeting.

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 nearby, 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 Board said the comparison of the neighboring ArtSpace project in relation to the overall mass of the preferred massing option illustrates the need for modulation to break down the scale of the façade. The Board said the 240 foot long uninterrupted façade along Hiawatha is relentless and needs recesses for modulation to break it down into a more human scale. The Board said option 3 does the best job of breaking down the mass. The number and frequency of the apartments contribute to the undesirable monotony along the Hiawatha façade. The Board said a slightly bigger gesture on the long façade is needed to reduce the scale. The Board said options 1 and 2 propose to step out the faced and use recesses, and option 3 could do a better job of breaking down the façade with modulation going up through all the stories instead of one pull back and the U-shape at the rear to make up to the upper levels and some modulation on the third or fourth levels. The Board said the scale of the modulation along the street should have some relationship to the façade modules of the project across Hiawatha. The adjoining corner lot to the north is developed with Bud's Automotive which is much smaller in scale than the proposed project. The design should be sensitive to this transition in scale and address the proximity of the site to this highly visible corner.

C-1 Architectural Context

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

The Board said the neighborhood provides a rich context from which to draw architectural elements. The Board encouraged a design which would complement the architectural character of the immediate neighborhood. To reduce the scale of the building, it could be broken up into two separate buildings.

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 forms 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.

The Board said the façade should be varied. However, the finish materials and colors should be tied together with the ArtSpace project so that the two projects can be distinguished from one another, but express a similar design concept.

C-3 Human Scale

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

The Board also recommended canopies at the two entries that are not recessed and do not otherwise have weather protection. The Board said the design of the ground floor should be integrated with the upper floors.

C-4 Exterior finish materials

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

The Board said the materials should be consistent with the ArtSpace building. There should be consistency in the ground level paving between the ArtSpace and Homesight buildings. The live-work use implies a commercial modern high tech building. The Board said the design should contribute to the continuity between the two projects. The Board indicated that the exterior materials should result in detail to break up the bulk of the facades. The Board said the design should get away from using stucco or dryvit and use other materials to do some nice surfacing and enliven any flat facades.

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.

The Board said the entrances to the live-work units should not be tiny indentations because they should invite public access to the work spaces. The Board said that double doors would be desirable for many commercial uses. There should be recesses at the entryways. There is the opportunity for lighting called out from above to highlight the entrances. The entrances could be pulled back and have windows in the side walls of the entrance recesses.

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.

The design should allow air to circulate into the garage. The Board said they will look closely at the architectural treatment of the façade along the alley and its compatibility with the ArtSpace project.

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.

A Board member suggested minimizing the appearance of dumpsters, utilities and service areas.

E-1 Landscaping to Reinforce Design Continuity with Adjacent sites.

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board suggested coordinating with the ArtSpace project to donate an artpiece to the shared open space between the two projects. The Board said the landscaping should be consistent across the entire shared open space and it should be inviting and have a human scale. The Board said the texture of landscaping and plant materials should be tied together with the ArtSpace project. The Board recommended consulting the City Arborist for the selection of the proper species of street tree to enhance the façade and sidewalk environment.

DEVELOPMENT STANDARD DEPARTURES

The applicants proposed the following development standard departures. The Board indicated that they will continue to entertain the departure requests. The architects should design a creative project that would meet both the owner's program and the design guidelines above. However, the Board's recommendations on the requested departure will be reserved until the final Board meeting and will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure.

DEVELOPMENT STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
23.47.008C	13 foot façade minimum	13 foot façade maximum	Reduce building height.	.Some board support, reserve recommendation to final meeting.
23.47.008D	Maximum 64% lot coverage (16,318 square feet)	.70% lot coverage (17,617 square feet at 2nd – 5th floors, 14,529 square feet at 6th floor)	A larger building is more economical to build, helping to create affordable housing. Reducing lot coverage as the building steps back floor to floor and averaging the total lot coverage across the building as a whole minimizes the bulk of the building on the top floors.	.Some Board support, reserve recommendation to final meeting.
23.47.024	20% open space (19,413 square feet)	10% (Proposed 11,377 square feet. Note: this is based on the present plans which have been modified as a result of the early design guidance. It is now about 12% open	To provide 20% open space on a building that maximizes the building site envelope would require placing that area on the roof. This would bring	Some Board support, reserve recommendation to final meeting.

		space.)	two stair towers and the elevator to the roof, adding significant mass to the building height. Private open spaces make egress easier because it is difficult to provide two exits to public open space above ground. People are more comfortable with clearly defined ground level public open space and private above ground open space.	
23.47.035C	Maximum size of structural building overhang: 3 feet over the property line, maximum 9 feet length on face, then back to the building at a 45 degree angle. It can be repeated with 2 feet between bays and 50% glazing on bays.	3 foot maximum overhang, narrowing to 16 feet across the face of a 20 foot wide bay. Waive the glazing area calculation.	A wider bay is more appropriate to the scale of the building and helps identify the primary residential entrance. Note that the code would allow 15 bays of maximum prescriptive size along the building façade, which would create a much greater area over the property online, and look a lot busier.	Not presented to the Board at the EDG meeting.

Staff Comments - Embed at least 4 colored/shadowed 11 x 17 inches elevation drawings on full sheets in the front of the plan sets for the MUP submittal. These drawings should show your initial design response to the priority guidelines identified at the EDG meeting. Feel free to embed/add other colored drawings such as a site/landscape plan or 3 dimensional sketches of the streetscape/ground level character.

Master Use Permit Application

The applicant applied for a Master Use Permit on August 9, 2006.

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY: NOVEMBER 14, 2006 MEETING

On November 14, 2006 the South East District Design Review Board convened for a Final Recommendation meeting. Elevation renderings and plans were presented for the Board

members' consideration. By the final meeting, the applicant had refined the elevations. The applicant requested four departures from the City's Land Use Code.

ARCHITECT'S DESIGN RESPONSE

The architect described the site, the surrounding development, and neighborhood context. In the NC3 65' zone there is a requirement for a commercial space or live-work unit on the ground floor. The architect described the ArtSpace project on the adjoining lot which went through the Design Review process. In order to achieve the size of the building for economics and a sheltered courtyard on the street for everyone to use, a terrace will be provided atop the ground floor. The dwelling units are targeted for first time home purchasers who earn 80 percent or less of the median income in the Seattle area. The building will respect the adjacent site to the south by stepping back the upper stories and providing a street level plaza adjacent to the ArtSpace project.

There will be a large open space terrace on the west side of the building. Modulation, color and material changes, balconies, the patterning of windows, and the mosaic panels and glass block on the ground floor will break up the street facing façade. The red door color of the primary residential entry and the modulation above the entry door, the red canopies, and the red balcony railings will provide visual interest along the facades. There will be 30 private balconies for the 94 units. Downlighting will be provided to accentuate the architectural detailing at night. The open space terrace will be the size of several single family residential lots. The open space terrace will contribute to the building stepping down toward the alley, providing an urban presence and eyes on the alley, and focusing light onto the alley for security. All vehicle access will be from the alley. If the existing neighboring low scale development is redeveloped with larger structures, there will be enough light between the structures. The scarlet red maple street trees with boxwood, the signage, and the windows in the storefront system will enhance the streetscape. The ArtSpace project will open onto the plaza which will have concrete pavers and room for outdoor gatherings. The landscaping will give volume and define the space of the plaza from the sidewalk. Bicycle racks will be provided on the sidewalk.

PUBLIC COMMENT

Concerns were expressed about: the impact of the height and mass of the Homesight project on the Jackson Place project, the need to step back the building, the need for decorative modulation along the roofline rather than structural modulation to minimize the bulk, and the need for more open space for gardening or children to play. Sharing open space among 94 units and the lack of open space anticipated due to the infill development occurring in the vicinity was a concern. Another concern was that the 13 foot façade will loom over the co-housing project, but reducing the appearance and character of the live-work units may work better to achieve extra height.

Summary of recommendations: After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities the Design Review Board members came to the following recommendations on how the applicant met the identified design guidelines.

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

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

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 Board agreed to allow the building to move forward adjacent to the sidewalk on Hiawatha to reinforce the street edge, to enhance an inviting pedestrian environment and to be compatible with the street edge established by the ArtSpace project on the adjoining site to the south and with the Jackson Place development across the street.

A-6 Transition Between Residence and Street
For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board said the lighting of the recessed entrances, the street trees, the ground level uses, the open space plaza, and the eyes on the street from the units above all provide a good transition between the residences and the street.

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

The Board expressed concern that the quantity of open space would be enough to serve 94 dwelling units. The Board said that articulation on the east façade could be done with smaller decks and could provide additional private open space for those units. The Board said the architect should consider extra decks on the western façade in addition to the proposed deck atop the post-tensioned slab. However, in summation, the Board liked the proposed open space location and quantity and supported the proposed open space departure described 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.

The Board said the alley façade is well designed and the garage entrances are proportional to the other design elements along the west façade. The Board said directing vehicles to the garage via the alley will allow Hiawatha Place South to be a safe and unobstructed pedestrian environment for the three residential developments on that street.

B-1 Height, Bulk, and Scale Compatibility.
Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, 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 Board said the design addressed the transition to less intensive zones effectively.

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

The Board said the building has similar datum lines and window patterning with the adjoining ArtSpace project.

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 forms and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its faced walls.

The Board supported the unique design concept for this project.

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

The Board said the façade should be varied. However, the finish materials and colors should be tied together with the ArtSpace project so that the two projects can be distinguished from one another, but express a similar design concept.

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

The Board said they liked the exterior finish materials and the colors selected.

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.

The Board said that the plaza on the southeast corner of the building and combined with the adjoining ArtSpace plaza contributes to the overall open space for the building. However, the Board said that the plaza area is also a pedestrian path to a building entrance and there could be a conflict between the two uses as an open space plaza and a building entrance. The Board questioned whether residents would actually use the plaza for outdoor tables and other outdoor uses. The Board said the proposed recessed lighting will provide some safety and add visual interest to the street level uses at night.

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

The Board said they liked the efforts toward sustainability and the architectural treatment of the façade along the alley and its compatibility with the ArtSpace project.

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.

The Board said the proposed dumpster location in the recycle and trash room off of the alley is a good design solution.

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

The Board said the proposed landscaping is appropriate for this development and is compatible with landscaping provided for the Jackson Place and ArtSpace developments on this block.

DEVELOPMENT STANDARD DEPARTURES

The applicants proposed the following four development standard departures. The Board approved the requested departures because the project's design better meets the design guideline priorities and achieves a better overall design than could be achieved without the departures. (A-2, A-4, A-5, A-6, A-7, A-8, B-1, C-1, C-2, C-3, C-4, D-1, D-5, D-6, E-1)

DEVELOPMENT STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	ACTION
23.47.008C2 First floor height standards	13 foot minimum floor to floor height at first floor	13 foot average floor to floor height at first floor	Reduces building height per community concerns	Board recommended approval.
23.47.008D Lot coverage standards	64% lot coverage 13 feet above commercial level site area: 25,497 square feet 16,318 square feet allowed	69% lot coverage 13 feet above commercial level site area: 25,497 square feet, proposed: 17,674 square feet	The building does not maximize the vertical envelope, to maintain the square footage needed for the program and percentage of lot coverage needed to be increased.	Board recommended approval.
23.47.024 Open space standards	20% of gross floor area in residential use Gross residential area: 95,705 square feet 19,141 square feet open space required	11.89% provided for residential use Gross residential area: 95,705 square feet 11,377 square feet open space provided Public portion of open space is landscaped per Director's Rule13-92.	To provide required open space would require a roof deck with elevator access and (2) stairs. This would add additional height and bulk to the building. Note that the proposed open space exceeds presently proposed change to 10% required open space.	Board recommended approval.
23.53.035A4c Structural building overhang	Maximum width of 15 feet with sides projecting inward at 45 degree angle to maximize face width of 9 feet. Bays maximize 17 feet on center. Note: building width allows 15 bays at 36 square feet each=540 square feet.	Maximum width of 20 feet 6 inches Single Fay at 41.75 square feet in area proposed.	Size is appropriate to building scale. Structural building overhang helps to identify the building entry.	Board recommended approval.

Recommendations: The recommendations summarized below were based on the plans submitted at the November 14, 2006 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the November 14, 2006 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended approval of the subject design with conditions. Four departures were requested. The Board unanimously (3-0) recommended approving the departures with the following condition (authority referred in the letter and number in parenthesis):

1. The applicant shall coordinate with the Seattle Department of Transportation (SDOT) and the Seattle Bicycle Advisory Board to provide bike racks on the sidewalk between the tree grates. The bike racks shall be S-shaped or hanger shaped. (A-4, A-8, D-5)

DIRECTOR'S ANALYSIS: DESIGN REVIEW

With respect to the design of the project, the Director concludes that the design has successfully responded to the Design Review Board's guidance. For this reason, the Director concurs with the Design Review Board's recommendations and **approves** the subject design as presented in the official plan sets on file with DPD.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) EXCEPTION

The applicant is seeking an environmentally critical areas exception to:

A. Waive the *general development standards of Section 25.09.060B which restricts developmental coverage and construction activity areas to the most environmentally suitable, naturally stable, and least sensitive portion of the site in order to protect the ecological functions and values of wetlands.*

B. Waive the *development standards for wetlands of Section 25.09.160B.1.b. which prohibit grading, filling, or draining category IV wetlands one thousand (1,000) square feet or greater*.

An applicant for an ECA exception must demonstrate, pursuant to *SMC 25.09.300A, that "no other applicable administrative remedies in Chapter 25.09 or Title 23 will provide sufficient relief."* The applicant's attorney, Robert D. Johns, submitted a letter dated September 14, 2007 including *documentation showing that no other applicable administrative remedy in Title 25.09 or Title 23 will provide sufficient relief pursuant to SMC 25.09.300B.1.a.* A setback reduction would not be a realistic remedy in this case because a 50 foot buffer would reduce the size of the building from 94 units and 8 live/work units to 9 residential units and five live/work units which is less than the minimum 20 units required in the purchase and sale agreement between HomeSight and the City. A category IV wetland buffer can be reduced to a minimum of 35 feet

by a variance if the criteria of Section 25.09.160D can be met. However, a 35 foot buffer would not allow enough units to make the project financially feasible.

The applicant has provided: *Technical studies and other data (SMC 25.09.300B.1.b. and SMC 25.09.300B.1.c.).* The applicant provided two wetland reports dated March 22, 2007 and August 27, 2007 prepared by Raedeke and Associates, as well as a wetland delineation on a topographic survey dated September 14, 2005. Those reports, the aforementioned letter from Robert D. Johns, additional information, and experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The applicant has submitted: *Plans showing what can be developed in compliance with all environmentally critical area development standards and standards in Title 23, including the yard and setback standards for front and rear yards (SMC 25.09.300B.1.d.).*

The aforementioned letter from Robert D. Johns provided: *An explanation with supporting evidence of how and why compliance with all ECA development standards as shown on the plans required in subsection (d) would not permit any reasonable use of the property, including, but not limited to:*

1. *The date the applicant purchased the property or obtained the right to develop or use it;*
2. *The price the applicant paid for the rights described in subsection (2); and*
3. *Restrictions or conditions on use or development in existence when the applicant acquired the rights described in subsection (1) (SMC 25.09.300 B.1.e.).*

The letter provided the following information. The site is currently owned by the City of Seattle. Homesight, in response to an RFP from the City, submitted a proposal to develop the site on the City's behalf. The proposal was based on information about the site provided by the City. None of the City's information indicated that there were any wetlands on or near the site. The City accepted HomeSight's RFP. Homesight created 809 Hiawatha Place LLC, with HomeSight as the sole member of the LLC for purposes of developing the site. The City and Homesight entered into a purchase and sale agreement dated September 21, 2006 providing for the sale of the property at a price of $1,046,000. That Agreement was approved by the City Council and cannot be modified without City Council approval.

The purchase and sale agreement requires HomeSight to construct a minimum of 20 units of long-term affordable low income housing (housing affordable to families with incomes that are 80 percent or less of annual median income for the Seattle area) plus ground floor commercial. Fifty percent (50%) of all the housing constructed must be sold to low income households, and the balance of the residential units are to be sold to the open market in order to subsidize the cost of the low income units..

The Director may modify or waive an ECA development standard and/or the yard and setback standard for front and rear yards when an applicant demonstrates by clear and convincing evidence that strict application of the development standards would not permit any reasonable use of the property and that development undertaken pursuant to the modified or waived standards would not cause significant injury to the occupier of the land, to other properties, and to public resources, or to the environment (SMC 25.09.300C).

Plans were submitted delineating the location of the wetland and required buffer. A total of 15 residential units could be constructed outside the wetland and buffer which fails to meet the 20 low income units required in the purchase and sale agreement or to allow the construction of the open market units which are needed to subsidize the low income units. Compliance with the ECA Ordinance would render the project required by the city Council unbuildable. The completed Artspace project already impacts part of the wetland buffer without wetland mitigation, the delineated wetland has little or no function or value for wetland purposes, the wetland has been impacted by other development activity not controlled by HomeSight, and the City Council and the applicant have entered into a contract providing for the construction of needed low income housing on the site. The creation of 94 affordable housing units, including at least 20 low income units, in close proximity to downtown employment opportunities with ready access to public transit is more important as a City policy than the preservation of a small area that has virtually no environmental significance.

The March 22, 2007 Keith Fabing Inc. wetland report examined aerial photography from 23 years between 1936 and 2006. No evidence of ponding or saturated soil conditions was observed in any of the first 22 years until 2006 when the Master Use Permit application had been submitted. However, in field investigations and wetland characteristics in 2007 resulted in vegetation, hydrology, and soils which indicated the presence of a wetland.

The August 27, 2007 wetland report by Raedecke and Associates concluded that the KFI-identified wetland is not likely to provide any of the WSDOT 2000 listed functions and values except for sediment removal. This function may be provided by the wetland due to the presence of an upslope source of sediments (run-off from Hiawatha Place South and the construction of the Artspace development), the presence of dense herbaceous vegetation, and an area that ponds occasionally. The level of sediment removal is likely limited by the small size of the wetland, particularly the small size of the area (less than 5000 square feet) that would actually be ponded occasionally during the winter.

Any potential value of the wetland for sediment removal would disappear once construction is complete since the two existing possible sources of sediment will disappear. When the stormwater system for the Hiawatha Place project is finished, runoff from Hiawatha Place South is diverted to the stormwater drainage system. Completion of construction of the Artspace project would eliminate the temporary risk of erosion from that site. In fact, the latter has probably already occurred since the site work for the Artspace building is finished, the building is framed, and with the exception of a small amount of final landscaping work, there are no areas left on that site which could generate sediments that would reach the area of the wetland.

The wetland has already been impacted as the result of the construction of the Artspace building, which was permitted by the City without any wetland mitigation. More specifically, as indicated in the Keith Fabing March 22, 2007 wetland report, that construction work drained the wetland. The likely source of water for the wetland (runoff from Hiawatha Place South) has already been diverted by the construction of the Artspace building and street improvements on South Hiawatha Place.

The relief granted by reduction, waiver, or other modification of an ECA development standard and of the yard and setback standards for front or rear yards shall be the minimum to allow reasonable use of the property. Preference shall be given to modifying or waiving the yard and setback standards for front or rear yards. In modifying a regulation, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified or waived regulation was intended to prevent or mitigate. In granting an exception to the development standards in Section 25.09.160, Wetlands, the Director shall apply the avoidance and mitigation standards in subsection 25.09.160E when imposing any conditions (SMC 25.09.300D).

Section 25.09.300E.1.c. allows DPD to *mitigate unavoidable impacts to the designated uses of a wetland by replacement, enhancement, or other approved compensation methods.* Section 25.09.300E.3.b. states that *the lost wetland area provides only minimal functions and other replacement areas provide greater benefits to the functioning of the watershed, such as riparian habitat restoration and enhancement.* Section 25.09.300E.4. states that *mitigation actions that require compensation by replacing, enhancing, or substitution, shall occur in the follow order of preference: a) restoring wetland on sites that were formerly wetlands, b) creating wetlands on disturbed sites, such as those with vegetative cover consisting primarily of exotic introduced species, c) enhancing wetland and/or wetland buffers with significantly degraded functions and values. The amount of required enhancement is dependent on the wetland classification in subsection 6.* Section 25.09.300E.5. states *As determined by the Director, wetland mitigation may include the preservation and enhancement of habitat if it provides greater ecological function than the existing wetland. The first number specifies the area of replacement wetland, and the second specifies the area of wetlands altered: Category IV 1.5:1 and 6:1* respectively. Furthermore, *mitigation shall be completed prior to issuance of the certificate of occupancy for the displacing use or submit a schedule which must be approved by the Director, and shall provide as bond of at least one hundred and fifty percent (150%) of the cost of installation, in addition to the monitoring plan and bond. Review of project subject to the wetland provisions of this chapter shall be coordinated by the applicant with the appropriate state and federal agencies.*

The wetland on this site is category IV, has already been disturbed and has little value and function as a wetland according to the two wetland reports submitted with this application.

Conclusion

The restoration of a DOPAR wetland as mitigation of the degraded wetland onsite while complying with the ECA Ordinance and will allow for reasonable use of the property. Strict application of the development standards would be unreasonable. Other administrative remedies cannot be utilized, including setback variances, which would provide insufficient relief.

DECISION – ENVIRONMENTALLY CRITICAL AREAS EXCEPTIONS

ECA Exceptions to waive the general and wetland development standards are **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated August 9, 2006) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-Term Impacts

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

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

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

The proposal site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore,

conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage

Rain water on roofs and on the driveways is the major sources of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA

Earth

The site is located in an environmentally critical area due to slopes exceeding 40 percent. A geotechnical report was submitted with the application and was reviewed by the DPD geotechnical engineer. Recommendations were made regarding seismic considerations, conventional foundations, the permanent foundation and retaining walls, slabs-on-grade, excavations and slopes, drainage, and general earthwork and structural fill. Compliance with these conditions and the requirements of the ECA Ordinance is required. Therefore, no mitigation of earth or drainage impacts will be required pursuant to Section 25.05.675 of the Seattle SEPA Ordinance.

Height, Bulk, and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project in an NC3 65'zone as determined by the Design Review Board's review and unanimous approval without conditions. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

A level 1 trip generation, distribution and intersection analysis dated January 3, 2007 was submitted. Traffic volumes with and without the project, street improvements, level of service, trip generation and distribution, and an intersection analysis at Dearborn and Rainier were analyzed. The analysis concluded that intersections would continue to operate at level of service E both with and without the project.

A traffic management memorandum dated October 9, 2006 submitted with the application projected 598 vehicle trips per day with 43 trips during the AM peak hour and 53 trips during the PM peak hour for this project. The availability and proximity of transit will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. Additionally, a car-share vehicle will be provided on the block where the project is located. The live-work units will lessen the overall number of trips to and from the building since the work destination for many of the tenants will be their home. The site has ready vehicle access to an arterial (Rainier Avenue South) and freeways (Interstate 5 and Interstate 90). The volume of traffic along Hiawatha is moderate and nearby intersections operates at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The 128 parking spaces provided on-site in the parking garage would exceed the code requirement and are expected to accommodate the parking demand generated by the project. Car ownership by the occupants of the units is anticipated to be lower than average due to the centralized location of the building,

accessibility to transit, and proximity to downtown. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

SUMMARY

In conclusion, several adverse effects on the environment are anticipated resulting from the proposals which are nonsignificant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

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

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

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA AND DESIGN REVIEW CONDITIONS

Prior to Issuance of the Building Permit

1. The applicant shall coordinate with the Seattle Department of Transportation (SDOT) and the Seattle Bicycle Advisory Board to provide bike racks on the sidewalk between the tree grates. The bike racks shall be S-shaped or hanger shaped. (A-4, A-8, D-5)

During Construction

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

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

2. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays from 9:00 a.m. to 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work after approval from the Land Use Planner. Interior work may proceed at any time in compliance with the Noise Ordinance.
3. Construction workers shall park onsite in the parking garage as soon as the building is enclosed.

Compliance with the approved Master Use Permit plans must be verified and approved by the Land Use Planner assigned to this project (Malli Anderson, tel. 233-3823) or by the Supervising Senior Land Use Planner for the area where the project is located (Vince Lyons, tel. 233-3823), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of any final inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: November 29, 2007
Malli Anderson, Land Use Planner
Department of Planning and Development

MJA:lc

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