



**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:** 3007073  
**Applicant Name:** Derek Bottles for Avalon Bay Communities  
**Address of Proposal:** 300 3<sup>rd</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 6-story, 196-unit apartment building with 4,751 sq. ft. of ground floor retail. Project also includes eight live work units. Parking for 245 vehicles to be provided below grade. Existing structures to be demolished. Project will also include 30,000 cu. yds. of grading.

The following approvals are required:

**Design Review** pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

**Development Standard Departure** to allow street level residential within 10' of the sidewalk and within 4' of grade (23.47A.008.D.2).

**Development Standard Departure** to allow more than 20% residential street frontage on an arterial street (23.47A.005.D.3).

**Development Standard Departure** to reduce the required depth of non-residential spaces at street level (23.47A.008.B.3.a).

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

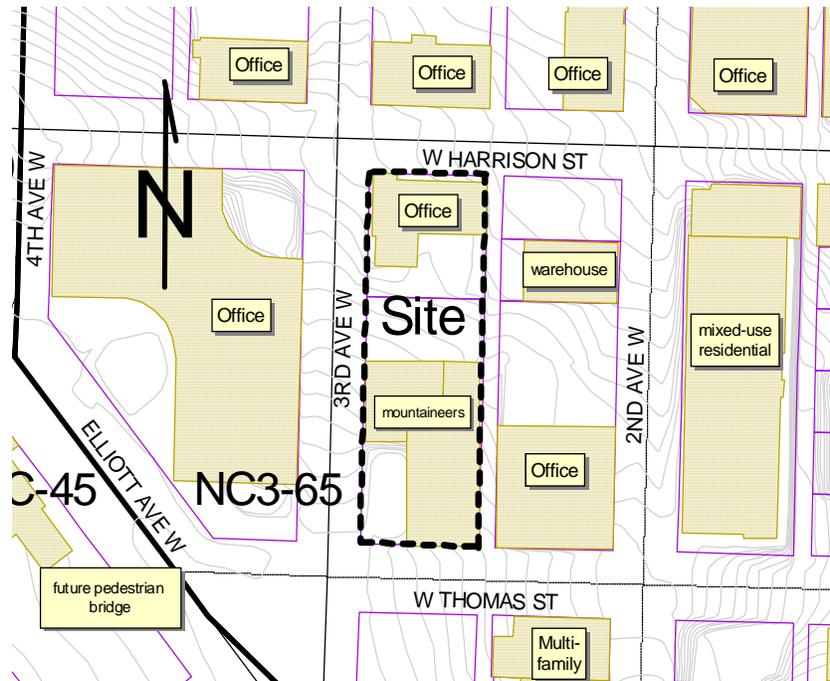
DNS with conditions

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

## SITE & VICINITY

The subject property is located on a 43,207 square foot site on a half-block site in the Uptown neighborhood west of Seattle Center. The site is bordered by 3<sup>rd</sup> Ave W. to the west, W. Harrison St to the north, an alley to the east, and W. Thomas St to the south.

Two office buildings constructed in 1950 are located on the property, one to the south (The Mountaineers Building), and one to the north. Both buildings are mid-century modern style.



The Mountaineers Building was listed on the Department of Neighborhoods inventory as a potential historic landmark. The applicant nominated the structure for landmark status. The Mountaineers Building was reviewed by the Landmark Preservation Board on December 5<sup>th</sup>, 2007. The Landmark Preservation Board denied landmark status for the building and a Denial of Nomination letter was sent to the applicant on December 7<sup>th</sup>, 2007. In a separate review, the Department of Neighborhoods determined that the northern building was also not a potential historic landmark.

The site is sloped from north down to the south, with approximately 8% consistent grade. The subject property is zoned Neighborhood Commercial with a 65 foot height limit (NC3-65). The site is located in an Urban Center Village. 3<sup>rd</sup> Ave W. and W. Harrison St. are listed as arterial streets; W. Thomas St. is not an arterial. The subject property is not located in a Pedestrian overlay.

NC3-65 zoning continues to the east, north, and south. Industrial Commercial (IC-45) and Commercial (C2-40) zoning is located to the west. Elliott Bay is located approximately 600 feet to the west. Seattle Center is located four blocks to the east.

Surrounding uses are predominantly offices, but include residential and retail mixed-use, multi-family, retail, and some warehouse uses. Nearby multi-family residential structures and commercial/office structures are a mix of ages and architectural styles. Many of the buildings exhibit brick facades in a variety of applications that demonstrate the popular style at the time of architecture. Other materials include stucco, tile, stone, metal, concrete, and glass.

Future nearby development is located in the blocks east of the subject property and west of Elliott Ave W, and includes mostly mixed-use residential and retail multi-story developments. A future pedestrian bridge is planned to connect from the west side of 3<sup>rd</sup> Ave W across W. Thomas Street and Elliott Ave W to Myrtle Edwards Park.

The area includes sidewalks and nearby transit stops. Bus stops are located on Elliott Ave W. and Queen Anne Ave N. (west and east of the site). Commercial and multi-family parking is predominantly on-street and in surface pay parking lots.

The site includes street trees on all street frontages, including Sweet Gum and White Oak trees. The southern parcel includes additional vegetation such as Redbud and Maple trees and low shrubs at the internal west-facing wall. Limited vegetation is located in low planters adjacent to both the north and south buildings. Both sides of the street frontages include curb, gutter and sidewalks. None of the street frontages include planting strips in the public right of way, aside from tree pits that contain trees and other vegetation.

## **PROJECT DESCRIPTION**

The proposed development includes demolition of the existing building and construction of one new six story mixed-use residential, retail, and live-work building. The existing buildings are proposed to be demolished.

The proposed development would include 195 residential units, 14,500 square feet of commercial space (including 7 live-work units), and 250 below-grade parking spaces.

## **PUBLIC COMMENTS**

Public notice of the proposal was issued on January 17, 2008. Eight public comments were offered during the review period, either in writing or at the design review meetings.

### **I. DESIGN REVIEW**

#### **DESIGN GUIDELINE PRIORITIES:** **EARLY DESIGN GUIDANCE MEETING (June 20, 2007)**

This proposal came before the Queen Anne/Magnolia Design Review Board for an EDG meeting on June 20<sup>th</sup>, 2007.

On December 28, 2007, the applicant submitted for a Master Use Permit.

At the Early Design Guidance meeting held on June 20<sup>th</sup>, 2007 and after visiting the site, analysis of the site and context provided by the proponents, 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
- A-3 Entrances Visible from the Street
- A-10 Corner Lots
- C-1 Architectural Context
- C-4 Exterior Finish Materials

- D-1 Pedestrian Open Spaces and Entrances
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- D-8 Treatment of Alleys
- D-9 Commercial Signage
- D-10 Commercial Lighting
- D-11 Commercial Transparency
- D-12 Residential Entries and Transitions
- E-3 Landscape Design to Address Special Site Conditions

### **DESIGN REVIEW BOARD EARLY DESIGN GUIDANCE SUMMARY (JUNE 20, 2007)**

On June 20, 2007, the Queen Anne/Magnolia Design Review Board convened for an Early Design Guidance meeting. Display boards and supplementary design review packet pages including perspective sketches, design departure requests, site plans, sections, pedestrian environment details, elevations, materials and colors, floor plans, and landscape plans were presented for the Board members' consideration.

Summarized and paraphrased from the June 20, 2007 EDG Report, guidance included the following:

- Façade treatment appropriate to use (Hot Button 1)
- Street level character:
  - Live-work units should appear commercial in nature. The atrium and live-work fronts should be designed to appear clearly commercial and not residential, through use of storefront windows, commercial entries, and appropriate landscaping.
  - Pedestrian entry should be brought closer to the streetscape to provide active uses at the street front and emphasize the building entries
  - Street level open spaces should interact with sidewalk activity and provide real usable open spaces.
- Pedestrian environment:
  - Clearly detail the proposed street level development at the southwest corner, including how the building will connect to the sidewalk activity at the street level
  - Examine uses other than fitness center adjacent to the sidewalk on 3<sup>rd</sup> Ave
  - Emphasize building entries
  - Provide sketches demonstrating pedestrian experience at each street level
  - Provide information about commercial signage, lighting, and transparency
- Alley:
  - The alley façade should be appropriately treated to improve the visual appearance as viewed from adjacent properties. Demonstrate that the proposed massing will not create significant shadows on adjacent properties.
  - Provide details about trash areas and pick-up
- Architectural context:
  - Architecturally integrate any balconies, especially at the southwest corner
  - Use a combination of sophisticated elegant materials consistent with Uptown development

- Provide graphics demonstrating proposed development in context with existing adjacent development

### **DESIGN PRESENTATION JUNE 4<sup>TH</sup>, 2008**

Derek Bottles of Avalon Bay Communities, Mark Sindell, and John Schack of GGLO Architects gave the applicant presentation. The presenters summarized the guidance from EDG, the proposed development, and the design response to the guidance. The applicant noted that they have met twice with the QACC LURC regarding the design of the project. They will also be working to obtain LEED certification for the proposal.

Design responses included:

- Use of transparent storefront systems, courtyard-facing facades, individual entry canopies, ornamental artist created fencing, and landscaping to enhance the public nature of the live-work units
- The southern courtyard entry includes an entry canopy that reaches to the property line from the entry door, and special paving connects the entry to the sidewalk and curb
- The courtyard includes seating and gathering areas
- The alley façade has been set back another foot and includes materials and colors to tie the building to the other facades
- Two courtyards at street level connect the sidewalk with usable open space
- The fitness center has been studied and would provide more activity at the street level during longer hours than a retail space might
- The southwest corner includes integrated balconies and materials and colors to enhance the balconies
- Landscaping and seating opportunities are included at the street level
- Materials include corrugated metal panels, fiber cement, brick, and composite panel siding (gray framing shown is composite panel, not concrete)
- Trash areas would be located inside the garage with a ‘notch’ at the alley elevation for containers on trash pick-up days
- Landscaping includes a layered idea, from “coastal forest” at the street level to “sub alpine forest” at the courtyards up to “mountain meadow” at the common roof deck and green roof areas
  - The common roof deck area would include wood decking, a barbeque and a fire pit
  - Individual patios would be located at parts of the rooftop

Departures include the following:

- 30% residential use at street level on 3<sup>rd</sup> Ave W: 20% maximum residential use is permitted under Land Use Code requirements, since 3<sup>rd</sup> Ave W is an arterial. The public noted at the QACC LURC meetings that although W. Thomas St is not an arterial, they were directed to place retail on W. Thomas St. due to the pedestrian overpass plans (although the plans have now changed to place the overpass access at 3<sup>rd</sup> Ave W). More than the required amount of retail is provided, but it is provided at W. Thomas St instead of 3<sup>rd</sup> Ave W. (SMC 23.47A.005.D.3)

- Decrease the minimum depth of live-work units from the required 30' average to an average of 28.1' along W. Harrison St to allow for an internal corridor to the elevator, and a loading area near the elevator for people moving in and out (23.47A.008.B.3.a)
- Reduction of the 10' residential setback from the property line at 3<sup>rd</sup> Ave W: The fitness center is proposed at this street frontage. Since the fitness center would be primarily for the building residents, the use is considered residential. The applicant stated that the fitness center would activate the streetscape and would be better located adjacent to the sidewalk. (23.47A.008.D.2)

### **BOARD QUESTIONS AND COMMENTS**

The Board had the following questions and clarifying comments, with responses from the applicant:

- Why is the internal space so large south of the secondary lobby at W. Harrison St?
  - This allows people moving in and out to get large objects to and from the elevator at that point
- The rendering shows joint spacing in the composite panel siding. Is it possible to get the joint pattern shown?
  - Yes, and the joints would be mitered on the corner pieces
- The composite siding is expensive. When it is more than about 15' above grade, will it really look different than cementitious panel?
  - Yes, there is a different finish and the change of materials in framing would show up.
- How did the applicant decide on the application of materials and colors on each facade?
  - At grade, brick and high quality materials are used
  - The framing of the "super grid" is consistent from top to bottom with joints and reveals to create one overall pattern
  - The infill of red and silver corrugated metal panels is within the supergrid to create a layering effect of textures
  - The southwest corner is clad in brown oxidate finish composite panel to enhance the primary corner element
  - Windows would be cream colored vinyl
- Explain how the south entry awning/paving works.
  - The awning reaches to the sidewalk edge; the special paving reaches to the curb edge
- Is live-work proposed all along W. Harrison St and 3<sup>rd</sup> Ave W?
  - Yes
- Are the roof decks connected?
  - Only the southwest roof deck is common space; the others are private to individual units and not connected externally
- Are the glass deck panels on the southwest corner completely clear?
  - There would be a steel framing cap and supports at intervals
- Are the glass deck panels at each deck? The graphic is confusing.
  - Some of the southwest corner slabs have glass panels and decks; others are just slab edges with no balconies. The intent is to visually enhance the appearance of the composite materials on that corner element.
- How does the new pedestrian bridge affect this project?

- The bridge will go across W. Thomas St, and the ramp will turn north on 3<sup>rd</sup> Ave W to meet the sidewalk approximately halfway between W. Harrison St and W. Thomas St on the west side of 3<sup>rd</sup> Ave W. The bridge won't directly block or connect to the proposed development here.

## **PUBLIC COMMENT**

No members of the public signed the attendance sheet at the Design Recommendation meeting, but one public comment was offered:

- Are there private decks for individual residents?
  - Only at the roof for some units, and at the alley for other units. There is one common space roof deck.
- Where is retail parking to be located?
  - Off the alley, in the south entry to the parking garage

## **BOARD 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 conclusions on how the proposed design met the identified design objectives.

### **A. Site Planning**

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

Guidance from EDG: *In addition to the comments listed in Hot Button #1 above, the applicant should clearly graphically demonstrate the proposed development at the southwest corner, including curb bulb, building corner design at the street level and above, and pedestrian perspectives of the proposed development.*

*The applicant should also examine potential uses aside from the fitness center for street level use on 3<sup>rd</sup> Ave W. Fitness centers catering to residents do not seem to be commonly used at the same times that people would be active at the street level (evenings and weekends). The street level uses should represent active uses that engage with the streetscape.*

Recommendation response: The applicant has proposed a landscaped curb bulb and a significant corner element for the building at the southwest corner. The applicant explained that examples of street level fitness centers in Seattle revealed longer hours of activity and higher levels of human activity than many retail uses in the same locations. The proposal meets this guideline.

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

Guidance from EDG: *Entrances should be clearly visible and accessible, as noted in Hot Button #1.*

Recommendation response: The applicant has proposed a canopy on private property and special paving to connect the south residential entry more directly to the sidewalk. The Board noted that with this addition, the proposal provides both the connection and the ‘retreat’ from public space for residents. The Board noted some concern with the sharp angle of the canopy and the potential exposure to weather from the southwest for pedestrians under the canopy, but declined to add a condition for this item. The proposal meets this guideline.

**A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

Guidance from EDG: *The proposed massing creates three bays, which will give the visual impression of three separate buildings. The southwest “building” should be significant and architecturally emphasized, since it will be the anchor to the corner of W. Thomas St and 3<sup>rd</sup> Ave W. The Board responded positively to the preliminary design of a strong corner element, and noted that any balconies should be architecturally integrated into the building design.*

*The street level should be designed to create a blending of indoor and outdoor spaces. Possible techniques to achieve this include roll up glass doors at the retail levels, outdoor seating with overhead weather protection, and landscaping.*

Recommendation response: The proposed development includes significantly different building bays at the north and south ends of the project, with the center bay demonstrating a transition between the two treatments. The balconies have been architecturally integrated to the structure. The indoor and outdoor spaces have been blended using landscaping, artist created decorative fencing near the live-work units, and landscaped courtyards with special paving. The proposal meets this guideline.

**C. Architectural Elements and Materials**

**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.**

Guidance from EDG: *Comments reflect those found in Hot Button #1 regarding façade treatments appropriate to each use and context.*

Recommendation response: Comments reflect those found in the responses to A-2 and A-3. The proposal meets this guideline.

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

- C-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.**

Guidance from EDG: *The applicant noted that proposed material palette includes brick, metal, and hardi siding. The Board directed the applicant to use a combination of sophisticated elegant durable materials in context with existing Uptown neighborhood structures. Concrete is a possible treatment, but it should be adequately stained and/or sealed to avoid an unfinished appearance.*

Recommendation response: The Board noted concern with the number of materials, colors, and seemingly random application of those materials and colors. Composite panels in the supergrid and the southwest corner lend a degree of finish and pattern. However, the combination of shapes, colors, and textures of the red and silver metal infill panels detracts from the architectural consistency of the overall design.

The Board recommended simplification of the façade treatments, particularly where the supergrid intersects with the layered red and silver metal infill panels. **The proposal meets this guideline, subject to the conditions listed below.**

## **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.**

Guidance from EDG: *The applicant should provide pedestrian level sketches of the proposed development at all street fronts, with particular focus on the live-work units and the retail at the southwest corner. Additional elevation details and graphics showing the context of adjacent buildings will be required.*

Recommendation response: The applicant provided the necessary sketches to demonstrate the pedestrian experience. The Board expressed appreciation for the artist created decorative fencing adjacent to the live-work units, but advised the applicant to make this appear as a decorative element and not a physical division between the live-work space and the sidewalk. The Board offered this as comment and did not require it as a condition.

DPD has reviewed the proposal and found the project to be lacking in overhead weather protection for pedestrians. The proposal is across the street from a new pedestrian bridge that will link W. Thomas St to west past Elliott Ave W. Seattle Center and Key Arena are located four blocks to the east of this proposal. The West Thomas St street level use will consist of a large retail space with outdoor seating and gathering areas. The southwest corner of this building will be oriented to directly face incoming rainy weather during the fall/winter/spring months in Seattle. For all these reasons, the proposal should include continuous overhead weather protection at the following areas:

- Along the W. Harrison St façade wrapping the corner to include the first building bay on 3rd Ave W
- Along the W. Thomas St façade, wrapping the corner to include the first building bay on 3rd Ave W

**The proposal meets this guideline, subject to the conditions listed below.**

- 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.**

*Guidance from EDG: The applicant should provide details of this item at MUP intake. Daily trash pickup is preferred over dumpsters at the alley.*

*Recommendation response:* The applicant noted that the dumpsters will be located inside the parking garage, with a notch at grade in the alley where the dumpsters can be placed on collection days. The proposal meets this guideline.

- D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.**

*Guidance from EDG: The applicant noted that the proposal includes a 5' setback and green wall at the alley. The Board requested additional graphic information demonstrating the effect of proposed shadowing and visual appearance of the project to adjacent properties.*

*Recommendation response:* The Board expressed appreciation for the treatment of the alley façade, the consideration of service areas, and landscaping. Comments regarding the application of colors and materials reflect those found in the response to C-4. **The proposal meets this guideline, subject to the conditions listed below.**

- D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.**

*Guidance from EDG: The applicant should provide a conceptual signage plan at MUP intake, indicating proposed signage types and placement. Include proposed signage for live-work units.*

*Recommendation response:* The graphics indicated that signage would be provided in units mounted at the edge of the canopies. The proposal meets this guideline.

**D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

Guidance from EDG: *The applicant should provide a lighting plan at MUP intake, indicating proposed fixture locations and details.*

Recommendation response: The applicant provided lighting information, describing the type of light fixtures to be located on the building, approximately 60-90' on center at street level. The proposal meets this guideline.

**D-11 Commercial Transparency.** Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Guidance from EDG: *The applicant should provide graphics indicating proposed transparency, meeting this guideline. The applicant should place additional focus on this item at the proposed live-work units.*

Recommendation response: The graphics demonstrated that the proposed development includes a high degree of transparency at the street level, including the live-work units. The proposal meets this guideline.

**D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

Guidance from EDG: *The applicant should examine alternatives for placing a use other than fitness center at the sidewalk level, as described in the response to item A-2.*

Recommendation response: The response reflects comments in response to A-2. The proposal meets this guideline.

<b>E. Landscaping</b>
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**E-3 Landscape Design to Address Special Site Conditions.** The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Guidance from EDG: *As described in Hot Button #1 and the response to D-8, the applicant should provide additional information regarding alley façade treatment at MUP intake.*

*Additional landscape plans for the entire site will also be required at MUP intake.*

Recommendation response: The applicant provided landscape plans at all facades. The Board expressed appreciation for the quality and thoughtful design of the landscaped areas. The proposal meets this guideline.

## **RECOMMENDATION AND CONDITIONS**

The recommendations summarized below were based on the design review packet date stamped May 28, 2008 and the supplemental materials received at the Design Recommendation meeting on June 4, 2008. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the four Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board and DPD recommend the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. The applicant shall revise the combination of materials and colors to simplify the façade treatments, specifically where the use of red and silver metal panels are proposed. The proposed design should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (C-2, C-4, D-8)
2. The West Harrison St façade and the first building bay at the south end of the 3rd Avenue W façade shall include continuous overhead weather protection at a minimum depth of 6 feet from the building face. The proposed weather protection shall be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (D-1)
3. The West Thomas St façade and the first building bay at the north end of the 3rd Avenue W façade shall include continuous overhead weather protection at a minimum depth of 6 feet from the building face. The proposed weather protection shall be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit. (D-1)

### Response to Design Review Board Recommended Conditions:

1. The applicant has modified the colors and materials on each façade to reduce the type and pattern of materials. Within the ‘supergrid,’ the infill materials consist of fiber cement panels only, with red panels and gray panels grouped together in larger blocks than shown in the design recommendation meeting. The modified design satisfies the recommended design condition #1, subject to the conditions listed below.
2. The applicant has modified the overhead weather protection to provide continuous overhead weather protection at the south façade, the southwest corner, and the north façade, as shown on the drawings date stamped June 27, 2008. The applicant will continue to work with DPD to achieve continuous adequate overhead weather protection that responds to the proposed building design at the northwest corner. The modified design satisfies the recommended design conditions #2 and #3, subject to the conditions listed below.

### **Development Standard Departures**

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S	BOARD
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			<b>JUSTIFICATION</b>	<b>RECOMMENDATION</b>
<b>Street level development standards – uses SMC 23.47A.005.D.3</b>	20% maximum residential use at street level on arterials (3 <sup>rd</sup> Ave W)  (71.8; residential use permitted on 3 <sup>rd</sup> Ave W)	30% maximum residential use for entry and residents' fitness center at 3 <sup>rd</sup> Ave W (108.12' residential street use)	The community sees W. Thomas St as more appropriate retail corridor than 3 <sup>rd</sup> Ave W, as discovered in the LURC meetings	Recommended approval by 5 Board members
<b>Depth of non-residential uses at street level SMC 23.47A.008.B.3.a</b>	Average minimum depth of 30'	Average depth of 28.1' at the W. Harrison St live-work units	This will allow a loading corridor near the elevator for people moving in and out of the building	Recommended approval by 5 Board members
<b>Street level development standards SMC 23.47A.008.D.2</b>	Residential uses at street-facing facades on arterials shall be 4' above grade or setback 10' from sidewalk	Fitness center placed closer than 10' from sidewalk and at grade	Fitness centers provide more active uses at street level than many types of retail, and more than the required amount of retail is provided in live-work and retail spaces on other street fronts	Recommended approval by 5 Board members

The proposed design and Development Standard Departure are **CONDITIONALLY GRANTED**, subject to the conditions listed at the end of this decision.

## II. SEPA

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (December 21, 2007), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, 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 D) 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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

### Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

### Construction Impacts

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

### Earth/Soils

The construction plans, including shoring of excavations as needed and erosion control techniques, will receive separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized. Given the existing codes and ordinances, no additional conditioning for geotechnical review is warranted pursuant to SEPA policies.

### Environmental Health

The SEPA checklist includes information regarding existing Underground Storage Tanks on site. The applicant notes that these tanks will be removed and the contaminated soils will be handled in accordance with the laws and regulations that apply. Required permits include Fire Department review and consultation with Department of Ecology, as conditioned below.

### Noise

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

### Traffic

The proposed development is located on an arterial (3<sup>rd</sup> Ave W) one block east Elliott Avenue West and is subject to high volumes of existing traffic. In consultation with DPD's Transportation Planner it was determined that the anticipated number of construction vehicle trips would not significantly exacerbate traffic congestion in this area during peak hours of travel. Seattle Department of Transportation will review any sidewalk or street closures and will review construction vehicle staging and travel. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no additional conditioning is warranted.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

### Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and 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 and do not warrant mitigation under SEPA.

### Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. The proposed structure has gone through the Design Review process as noted above and has been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Historic Preservation

There are two existing office buildings on the subject property, both constructed in 1950. The southern building is the Mountaineers Building. The applicant nominated it for Landmark status with the Department of Neighborhoods. The nomination was denied by the Landmarks Preservation Board on December 5<sup>th</sup>, 2007. The other office structure was reviewed by the Department of Neighborhoods and determined not to be a likely candidate for a landmark structure. Neither of the structures meet the criteria for historic landmark designation and no further conditioning is warranted by SEPA policies.

### Parking

There will be increased parking demand created by the project. 52 existing parking spaces on site will be removed. Parking for 245 vehicles will be provided in below grade parking, accessed from two points at the alley. Parking for 63 bicycles will be located at grade and in the below grade parking garage.

The applicant has provided a traffic study ("Transportation Impact Analysis – AvalonBay Queen Anne Residential" August 2007, prepared by The Transpo Group). The study indicates that the proposed mix of uses at this site would generate peak parking demand for 203 vehicles.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that the residential use would generate peak demand for approximately 334 vehicle parking spaces:

- 1.46 spaces per residential unit x 196 units = 286
- 3.4 spaces per 1,000 sq. ft. retail urban setting x 13,981 sq. ft. (including live-work) = 48

The site is located in a very dense urban area of the city on an arterial with several public transportation options. On street parking is available adjacent to the site, as well as several nearby streets. 63 bicycle parking spaces will also be provided with this development. The ITE Parking Manual is based on suburban assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle facilities, or mass transportation. Several services are within blocks and will be located at the ground floor of this building, and it is reasonable to expect that the residents, employees and visitors of the proposed project would likely incorporate walking, cycling, or transit in their transportation options. For the remaining spillover parking demand of people driving to the site for these uses, there are numerous on-street parking spaces in the immediate vicinity of the site. The traffic study has indicated that there would be more than sufficient parking on-site during peak demand hours and no spillover parking would result from the proposal.

The difference between the parking demand shown in the ITE Parking Manual and the off-street parking provided on site would create a minimal impact if any, since people are able to walk or cycle to the site, use transit options to access the site, and park in on-street parking spaces if necessary. Further study indicates that there would be more than sufficient parking to meet peak demand on site. No further conditioning is warranted by SEPA policies.

#### Public Views

The proposed structure will be visible from some public parks specified in SMC 25.05.675.P.2 as having specified viewpoints. Seacrest Park, Alki Beach, Hamilton View Point, Myrtle Edwards Park, Kerry Park were identified as including views of the proposed development. The proposed development will not significantly block views of Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, major bodies of water, or the Space Needle. No further conditioning is warranted by SEPA policies.

#### Traffic

The applicant has submitted a traffic study titled, "Transportation Impact Analysis –Avalon Bay Queen Anne Residential, August 2007" by The Transpo Group. The report stated that the proposed development would generate a total of approximately 1,630 vehicle trips per day and 95 peak hour trips in the afternoon/evenings. The existing uses on site currently generate 590 vehicle trips per day and 55 peak hour trips in the afternoon/evenings. The net result is an increase of 1,040 total trips a day, and 40 PM Peak hour trips. The proposed development is located on an arterial street (3<sup>rd</sup> Ave W) and near Elliott Ave W, and is subject to high volumes of existing traffic.

The applicant has also submitted a worksheet indicating that the proposed development would contribute to South Lake Union traffic and would contribute a proportional share of \$55,689 towards the relevant transportation capital improvement projects identified in the South Lake Union Transportation Study.

In consultation with DPD's Transportation Planner it was determined that the anticipated number of vehicle trips has been determined not to have a significant adverse impact on the existing traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed

project are not considered significant and no further mitigation is warranted under SEPA policies.

### Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2C.

### **CONDITIONS – DESIGN REVIEW**

#### Prior to Issuance of a Master Use Permit

1. The applicant shall modify the proposed design to provide continuous adequate overhead weather protection that responds to the proposed building design at the northwest corner. This modification is subject to approval by the Land Use Planner (Shelley Bolser 206-733-9067 or [shelley.bolser@seattle.gov](mailto:shelley.bolser@seattle.gov)) or the Design Review Supervisor (Vince Lyons 206-233-3823 or [vince.lyons@seattle.gov](mailto:vince.lyons@seattle.gov)).

#### For the Life of the Project

2. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or [shelley.bolser@seattle.gov](mailto:shelley.bolser@seattle.gov)).

### **CONDITIONS – SEPA**

#### Prior to Issuance of a Demolition Permit

3. An Underground Storage Tank removal permit shall be obtained from the City of Seattle Fire Department; documentation of the permit shall be attached to the demolition permit for the site. (Non-Appealable Condition).

4. A 30-day notice shall be given to the Department of Ecology per their requirements prior to tank and fuel line removal. (Non-Appealable Condition).

Prior to Issuance of a Building Permit

5. Any Construction Noise Management Plan is required prior to building permit issuance. Construction activities outside the restrictions stated in Condition #6 below may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

During Construction

6. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. Construction activities outside these restrictions may be authorized upon approval of a Construction Noise Management Plan (See Condition #5). Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: \_\_\_\_\_ (signature on file) Date: July 14, 2008  
Shelley Bolser AICP, Land Use Planner  
Department of Planning and Development

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