



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 & DEVELOPMENT**

Project Number: 3007324

Applicants: Barry Aaronson, Project Manager, NBBJ,
Gregory Blume, Owner Representative, Yale
Campus LLC

Address: 505 Yale Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an office (274,500 square feet) and retail (20,200 square feet) development with three 4-story office buildings over a common underground parking garage to accommodate 687 vehicles. Review includes demolition of three existing commercial buildings totaling 35,000 square feet.*

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC)

1. *Transparency Requirement SMC 23.48.018.A,*
2. *Blank Façade Limits SMC 23.48.018.B,*
3. *Parking and Loading Location, Access and Curb Cuts SMC 23.48.034.C,*
4. *Site Triangle SMC 23.54.030.G.2, and*
5. *Scale of Development SMC 23.48.016 A2a, b & d.*

SEPA-Threshold Determination (Chapter 25.05 SMC).

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

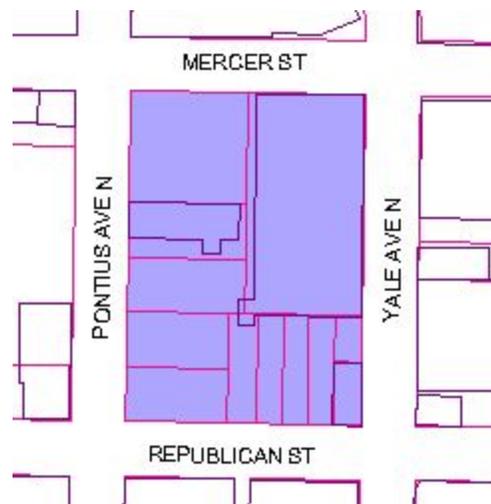
[X] DNS with conditions

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

*The project was originally noticed as follows: “to allow an office (272,000 sq. ft.) and retail (25,200 sq. ft.) development within four 4-story buildings. Parking for 600 vehicles will be located in the inter-connected below-grade parking. Pending approval of Lot Boundary Adjustment #3008338.” The description above, on page 1, refines the totals in areas for each intended use and the number of intended parking spaces. The description of three rather than four buildings has been determined to more accurately to describe what would be perceived as three structural masses arising from the common structural base. It has also been determined by the Department that the contemplated Lot boundary Adjustment is neither beneficial to, nor required for, the development herein proposed.

SITE BACKGROUND INFORMATION:

The South Lake Union site consists of the entire block bounded by Mercer Street on the north, Republican Street on the south, Yale Avenue N. on the east and Pontius Avenue N. on the west. The site measures approximately 360 feet in the north/south direction and 255 feet in the east/west direction. The total area is approximately 43,200 square feet in extent. The block was platted without an alley intervening between Yale Avenue N. and Pontius Avenue N. The zoning is Seattle Mixed/Residential with a 55/75 height limit. The proposed full block development is for a four-story office building with some ground floor retail-commercial space set above two floors of underground parking. The preferred design would



create the impression of three 4-story office buildings separated by a north/south private service alley and an east/west open plaza. The building mass fronting onto Pontius Avenue N. would be connected by a bridge at the second level, set above the narrow portion of the central plaza. This and the two above-ground building masses fronting onto Yale Avenue N. would be interconnected at the below-grade parking level. A private, mid-block driveway, connecting Mercer and Republican streets, would intervene in the block where otherwise one might expect a public alley to be interposed.

Area Development

Site and Vicinity

The site slopes moderately from south to north and slightly more steeply from east to west. There are three structures on the site and extensive areas of surface parking. One of the structures is a large brick building that covers approximately a third of the block. It was constructed in 1928 and was once used as a truck assembly plant. There is a small office building, built in 1960, located at the corner of Yale Avenue N. and Republican Street. A third structure is located mid-block on Pontius Avenue N. It is a single story commercial/warehouse building dating from 1953.

Both Mercer and Republican streets are arterials running in an east/west direction. Depending on the time of day, each of these streets conveys heavy volumes of traffic through the neighborhood, connecting as they do with Fairview Avenue N. and Eastlake Avenue N., arterials with direct connections to Interstate 5. The north/south streets abutting the site are local streets. The site is improved with curbs and sidewalks on all sides.

The general area contains a mix of commercial uses that includes surface parking lots, office, warehouses and retail, intermixed with some residential uses. A new office structure is under construction directly across Yale Avenue N. A block to the north and east of the site a Landmark Building, the Jensen Block, which houses a low income residential population. To the south, across Republican St., are older warehouse buildings that are used for a variety of commercial uses. One of these structures, a brick building at the southwest corner of Yale Ave. N. and Republican St., was constructed in 1912 as a commercial laundry and is a City of Seattle historic Landmark. One block to the south, on the east side of Yale Avenue N. is St. Spiridon Orthodox Church, a City of Seattle Landmark structure. Just north of the church is the newly completed Cairns Apartments which contains 100 residential units.

The Cascade Neighborhood, like the South Lake Union area, of which it is a part, has seen much development in recent years, both commercial and residential in nature. Recent approvals have been issued for several new buildings, both office and mixed-use retail and residential buildings. A new office structure has been completed at 504 Yale Avenue N. Also on the east side of Yale Avenue N. and just north of St. Spiridon Orthodox Church is the newly completed Cairns Apartments which contains 100 residential units.

PROJECT DESCRIPTION

The development on this site is conceived by the owner as the southern portion of a larger “campus” that includes substantial development on the portion of Yale Avenue N. north of Mercer Street, as detailed in MUP application #3007451. That project proposes an integration of public and private spaces by converting the serpentine, dead-end of Yale Avenue N into a “woonerf” (shared pedestrian and vehicle public space) to further enhance the pedestrian experience within the right-of-way. The northeast building mass on this southern campus would incorporate the curved façade and some of the architectural features of the principal façade on the north campus to provide continuity between the two sectors of the campus.

As noted above, the applicant proposes to redevelop the entire site which is the subject of this application with a commercial development containing a single underground parking garage for nearly 700 vehicles. The development would contain retail uses at ground level, but also would have some office uses at grade and near grade. Offices would occupy the entirety of the upper stories. The proposed full block development is for a four-story office building with some ground floor retail-commercial space set above two floors of underground parking. The preferred design would create the impression of three 4-story office buildings separated by a north/south private service alley and an east/west open plaza. The building mass fronting onto Pontius Avenue N. would be connected by a bridge at the second level, set above the narrow portion of the central plaza. This and the two above-ground building masses fronting onto Yale Avenue N. would be interconnected at the below-grade parking level. A private, mid-block driveway, connecting

Mercer and Republican streets, would intervene in the block where otherwise one might expect a public alley to be interposed.

The design proposes substantial landscaping both within the interior courtyard and all around the perimeter of the site south of Mercer Street. Connected to the proposed project would be the construction of two natural drainage swales in the rights-of-way along the Yale Avenue N. and Pontius Avenue N. frontages. Conceptually proposed as a continuation of the “swale on Yale” public project which is intended to provide bio-filtration of water conveyed from Capitol Hill, these swales would provide natural runoff from the buildings on site and the adjacent roadways.

Public Comment:

The Department received no letters during the SEPA public comment period that ended on January 9, 2008. One letter was received during the early design guidance phase of the project. It expressed a desire to see low-rent, fully furnished apartments included within the proposed development in order to serve those patients and their care-givers who needed temporary housing while receiving treatment at the nearby Seattle cancer Care Alliance facilities. Additional public comment, received at the Design Review public meetings is noted below in the discussion of those meetings.

ANALYSIS - DESIGN REVIEW

Early Design Guidance Meeting –October 3, 2007

Architects’ Presentation

The applicant’s proposal for this site was presented as the “southern portion of a Yale Avenue campus,” the northern portion of which had been presented to the Board just prior to this segment of the evening’s meeting. The development of the south campus, it was explained, would be an extension, conceptually at least, of the development proposed by the same team and located directly to the north across Mercer Street and as contained within Master Use Permit 3007451.

Three alternate massing models for the southern site were briefly presented to the Board. The first maximized the build-out of the site with a total of five buildings and four parking entrances/exits from Mercer and Republican Streets. Option 2 differed from the first option primarily by providing a mid-block north-to-south-running vehicular access easement that intervened between the two principal masses of the building. This configuration allowed for only two vehicle access points, one on Mercer and one on Republican Street. In this scheme the underground parking garage, co-extensive with the block, would be allow for an interconnection between the buildings which would have some individual expression above grade.

The preferred third option gave clear expression to four building, each with three levels of office space above street-level retail space. As in the second scheme, a north/south running private alley would provide all vehicular and loading access to the building. A plaza mid-block between Mercer and Republican Streets, would grant a clear separation between facades along Yale Avenue N. The

plaza would narrow as it extended west to Pontius Avenue N. A pedestrian corridor would thus connect between the sidewalks on either north/south running streets. The two buildings sitting side-by-side along Pontius Avenue N. would be separated at the street plane but would be connected by a structural bridge allowing for the pedestrian passage at grade into the wider plaza from the west.

Public Comments:

Comments solicited from the public included the following:

- Affirmation of the introduction of the north/south “alley” and the mid-block plaza and their implications for breaking up the massing of the structures on site and providing for a more desirable system of vehicles accessing and exiting the block;
- The proposed “alley” parking access to and from the site was to be applauded, especially as this enables a better management of delivery access and a better design and management of garbage storage and pick-up;
- The desirability of providing to the extent possible a semi-public status to the proposed plaza and cross-block connector.

Board’s Deliberations:

The Board noted that they thought that the proposed structures were generally appropriate for the neighborhood and the site and that their design should relate to the specific requirements of the site: the need to relate to all four streets. They applauded taking advantage of the opportunity to take vehicular access from the proposed new “alley.” They acknowledged the proposed plaza as a special opportunity for relating the inside and the outside, for example by allowing the adjacent ground-floor retail spaces to take full advantage of the juxtaposition through entrances fronting the plaza, etc. While the “open” and “public” nature of the proposed plaza was the optimal desideratum, the Board urged the design/development team to carefully examine how even a less publicly open space might still be conceived and perceived as a neighborhood amenity.

The Board agreed that the continuity between the north and south portions of the ‘campus’ should not be forced or slavishly expressed. Some interlocking of materials might be appropriate. The cant and curve given to the Yale-facing façade of the north half of the eastern half block was noted as a “good move” in the direction of a more subtle linking between pieces of the campus.

One area where the Board did not express harmonious agreement was the aerial bridge connecting the two masses of the building along Pontius Avenue N. There was some discussion about the appropriate height of the bridge above grade and the impact that a relatively low first level of the bridge would have on the different experiences of one traversing the plaza/connector, either from east or the west. One Board member strongly expressed the opinion that the bridge was unnecessary and detrimental to the overall design and ultimately to the experience one would have within the plaza area.

After visiting the site, considering the analysis of the site and context provided by the proponents, hearing public comment, and addressing their major concerns regarding the proposal, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings* and the *South Lake Union Design Guidelines* of highest priority to this project.

DESIGN GUIDELINES

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.

A-4 Human Activity

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

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.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The guidelines above were all chosen by the board to be of high priority. Human activity on the street should be promoted by the interface of sidewalk and the retail spaces. The applicant should be prepared to demonstrate how the ground-floor spaces provide for an enlivening of each of the four surrounding streets. The applicant is encouraged to explore the viability of providing retail that wraps around and enlivens the plaza area. Guideline A-8 was cited to re-enforce Board's sense that the design team got it right in providing for all vehicular traffic leaving and entering the site from the proposed quasi-alley.

B Height, Bulk and Scale

Projects should be compatible and provide for transitions

There is an inherent potential conflict between any new development and the existing pattern of lower residential and commercial buildings built on smaller parcels of land. There is an established fabric in the area and this new development should continue to demonstrate sensitivity to that fabric and to provide for refined transitions in height, bulk, and scale.

C Architectural Elements and Materials

C-3 Human Scale

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

The Board noted that the project should explore opportunities to achieve a good human scale, especially the way entrances address the several street fronts as well as the interior court area.

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, patterns, or lend themselves to a high quality of detailing are encouraged.

Architectural materials, scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board was not prescriptive regarding materials, but would expect to see a choice of durable and sustainable materials and to be presented with samples of proposed colors and materials at the subsequent recommendation meeting.

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.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review

D-8 Treatment of Alleys

The design of the alley entrances should enhance the pedestrian street front.

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.

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.

Serious consideration should be given to providing the courtyard as a through-block public pathway, a neighborhood semi-public amenity, at least for specified hours of the day. Expression should be given to clear path-finding details and to appropriate lighting and signage.

The design team should provide studies of the proposed pedestrian environment both along the streets and along the through-block connecting courtyard. The applicant should be prepared to

present details for a variety of streetscape and pedestrian pathway amenities, including lighting, overhead weather protection, signage and other elements calculated to generate a friendly and lively environment both within and without the block.

E Landscaping

E-2 Landscaping to Enhance the Building and/or Site

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project. The design should reinforce the character of neighborhood properties and the abutting streetscape.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable interior open space, courtyard area. The design should incorporate specific treatments to provide for attractiveness and an allure to any pedestrian through-site pathway, if such is to be offered, or to provide a design of such caliber that, even if the courtyard is not offered as a public space, it still could be regarded as a neighborhood amenity. The Board would expect to see a comprehensive Landscape Plan, one that treats not only the on-site open space but the streets' edges as well.

Departures from Development Standards:

The architects preliminarily identified the following departure from development standards that would be needed for the preferred option:

- SMC 23.48.016 A2d: to allow single purpose nonresidential structures on adjacent lots to be internally connected.

The preferred proposal would connect all four buildings at the below-grade parking level and the two structures fronting on Pontius Avenue N. via a skybridge.

The Board indicated that they would entertain the granting of the requested departure(s), (or other identified departures), provided they were integral to an overall satisfying design and providing the design development responded adequately to the guidance regarding the desired relationship of the proposed building to each other and to the surrounding streets, as well as to the other provisions provided in the guidelines. Staff explained that it was the expectation of the Design Review Board and DPD that the applicant should proceed to further design development, which would include a demonstrable response to the guidelines and guidance noted above, and to a Master Use Permit application. Subsequent to a successful application, the proposal would then be returned to the Design review Board for a recommendation of approval meeting.

Design Review Recommendation Meeting –May 7, 2008

In making their presentation, the design team utilized computer generated materials, a three dimensional model, showing a wider context within which the development would take place, and

11" X 17" colored packets. Emphasis was on the design responses to the Guidelines identified as of highest priority for the project and the Board's guidance articulated at the Early Design Guidance Meeting held on October 3, 2007. One major change since the Early Design Guidance Meeting was a new location of access to the underground parking from Pontius Avenue N. at the northwest corner of the site.

Extensive time was devoted to presentation of the plan to manage on-site drainage and run-off through a modified/continuation of the Seattle Public Utilities so-called "Swale on Yale" (actually on both Yale and Pontius) which will be operational for the two blocks directly to the south of the project. This will require modifications to the public right-of-way, to both sidewalk and planting strip, and must receive SDOT approval. Green roofs are proposed. The other landscaping component receiving substantial presentation was the configuration and treatment of the interior plaza/ pass-way. The status of the outdoor plaza, interior to the development, was clarified: it is intended to be open to the public as an open retail plaza. The project was described as seeking LEED Gold certification.

Public Comments:

Comments solicited from the public included the following:

- General affirmation of the proposal's design, applause for the introduction of the north/south "alley," and commendation for providing the mid-block plaza to break up the massing of the structures and to planning for public access to the retail along it.

Board's Deliberations:

The Board applauded the sustainable goals of the project and the development of the swales in alignment with those proposed to the south of the project. They affirmed their opinion that the proposed structures were largely appropriate to the neighborhood and the site. They favorably acknowledged the applicant's gesture of opening the plaza area as a true neighborhood amenity, something the Board had expressed a strong desire to see in their earlier guidance.

The Board agreed that the continuity between the north and south portions of the 'campus' was not forced or slavishly expressed, which had been their earlier guidance. It was reaffirmed that the cant and curve given to the Yale-facing façade of the north half of the eastern half block provided a desirable and subtle linking between the north and south campus.

At the Early Design Guidance Meeting the Board had not expressed harmonious agreement regarding the aerial bridge connecting the two masses of the building along Pontius Avenue N. There was some discussion about the desirability of the bridge itself and the appropriate height of the bridge above grade and the impact that a relatively low first level of the bridge might have on the different experiences of one traversing the plaza/connector, either from east or the west. It was the applicant's contention that the bridge provided an appropriate wall to the outdoor room of the plaza when viewed from the east.

While recommending approval of the bridge, the Board did think that greater attention needed to be given the approach into the plaza from Pontius Avenue N. The Pontius side of the bridge, the Board stated, should "provide a bigger gesture to the public."

There was some concern expressed by members of the Board that the emphasis on the ribbon windows and other horizontal linear elements on the facades of the south structure on Yale Avenue N. and the structure extending along Pontius Avenue N. bestowed too much of a sub-urban "office park look" to the development. The Board stated that those portions of the facades could benefit greatly from introduction of some countervailing vertical architectural elements.

One Board member suggested that the intersection of "alley" and cross-block connection needed further architectural expression and treatment to become a "stop place," a "place to be" and not merely a point of passage.

Additionally, the Board expressed discomfort with the impression that the development appeared to "turn its back on Pontius Avenue N." While somewhat sympathetic to the argument that the east side of the development was not at present economically supportive of street-level retail uses, the Board thought the development team should take a longer-range view and make some provision for the future capability of retail spaces activating the Pontius Avenue N. pedestrian realm.

Having expressed their concerns about these design elements, the five Board members present recommended that the design should be approved with some accommodation to the Board's reservations and recommendations noted above to be worked out with DPD staff prior to issuing a MUP permit.

Departures from Development Standards

The following are the departures requested and recommended for approval at the May 7, 2008, Design review Board Recommendation meeting:

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment /Rationale by Applicant</i>	<i>Board Recommendation</i>
1. SMC 23.48.018A Transparency Requirement	<p>a. <i>Class 1 & 2 pedestrian streets: A minimum of sixty percent of the width of the street-level façade must be transparent;</i></p> <p>b. <i>All other streets: a minimum of thirty percent of the street-level façade must be transparent</i></p>	<i>The building whose long side faces on Pontius Avenue N. is only 12% transparent along Mercer St. and 51% along Republican St.</i>	<i>The frontages along Yale Av N. and the eastern half of Republican St. have ground floor retail resulting in a average of 89% transparency on Yale (the vital pedestrian-oriented pedestrian street) and average of 46% on Mercer (above the 30% requirement) The project achieves an average of 75% transparency on Republican.</i>	<p>▪ <i>Approve (Design Guidelines: A-2, A-4, C-3, D-1)</i></p> <p><i>Conditions: 1. No vitrines. 2. Provide transparency into bicycle storage area, integrated with landscaping to enhance views in and not obscure transparency.</i></p>
2. SMC 23.48.018 B Blank Façade Limits	<i>Blank facades shall be limited to segments of 30 feet wide, except 15 feet wide on Republican, a Class 2 pedestrian street. Any blank façade shall be separated by transparent areas at least 2 feet wide. The total blank façade segments, including garage doors, shall not exceed 70% of the street façade.</i>	<i>Project proposes a blink façade length of 19'-3 1/2" for west building on Republican St., 95'-2" of same building along Mercer St and 150' along Pontius...</i>	<i>Due in part to topographic conditions at the site. Openness concentrated on Yale and eastern half of Mercer and Republican Streets. Extensive landscaping (including swales) proposed to enhance pedestrian experience.</i>	<p><i>Approve (Design Guidelines: A-1, A-2, C-2, C-3, D-2, & E-2).</i></p> <p><i>Conditions: 1. Provide vigorous Landscaping to soften starkness of blank walls and consider incorporating artwork with landscaping materials. 2. Provide additional door openings along Pontius.</i></p>

<p>3. Parking and Loading Location, Access and Curb Cuts SMC 23.48.034.C</p>	<p><i>Curb cut width and number of curb cuts shall satisfy the provisions of section 23.54.030, parking space standards, except as modified by the section. Required 25 feet maximum (For 2-way traffic, the minimum width of curb cuts is 22 feet and the maximum 25 feet, except that the maximum width may be increased to 30 feet when truck and auto access are combined.</i></p>	<p><i>Project proposes 3 two-way curb cuts, two at 20 feet to establish a private “alley” between Mercer and Republican streets, and one as entrance to and exit from underground parking.</i></p>	<p><i>Curb cuts are located so as to minimize intrusion into pedestrian realms. “Alley” eliminates need for service vehicles to back across sidewalks onto adjacent streets. Alley breaks up massing and adds further pedestrian connectivity through neighborhood.</i></p>	<p>▪ <i>Approve (Design Guidelines: A-2, A-4, B-1, C-3, C-4, D-4, D-5, & E-2)</i></p> <p><i>Conditions: See below under #4, Site Triangle.</i></p>
<p>4. Site Triangle SMC 23.54.030.G.2</p>	<p><i>For 2-way driveways or easements at least 22 feet wide, a sight triangle on the side of the driveway used as an exit shall be provided and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb cut intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.</i></p>	<p><i>Visual warning, [enunciator], or mirrors proposed in lieu of sight triangle.</i></p>	<p><i>Private Alleyway provides project and site amenity; The proposed design solution incorporates safety features as allowed in downtown zones.</i></p>	<p>▪ <i>Approved (Design Guidelines: A-8, D-1, D-7, D-8)</i></p> <p><i>Conditions: No audible enunciators but seek a set of architectural solutions that will provide for maximum pedestrian safety and comfort.</i></p> <p><i>Staff Comments: Design for maximum pedestrian safety, probably by means of an integrated system of devices and strategies; will have to be clearly demonstrated before DPD grants approval.</i></p>

<p>5. Scale of development SMC 23.48.016 A2a,b, & d</p>	<p>a. Single purpose nonresidential development...is limited to a lot area of twenty-one thousand six hundred square feet or less; b. Development on lots greater than twenty-one thousand six hundred square feet must include residential use in an amount of gross floor area equal to sixty percent or more of the gross floor area in residential use d. Single purpose nonresidential structures on adjacent lots not separated by an alley may not be internally connected.</p>	<p>Project proposes single purpose nonresidential development with lot area of 90,012 square feet. Development of commercial office space with retail base is comprised of 3 buildings above grade with below grade parking occupying the entire site and connected to each building. The building fronting on Pontius Av N. is articulated as two massed, conjoined by structural bridge with a pedestrian pass-through at grade.</p>	<p>Functionality and sustainability of buildings is enhanced while perceived mass is minimized by means of private intersecting alleyway and mid-block connector and provision for substantial open gathering space where the two are conjoined.</p>	<p>▪ Approved (Design Guidelines: A-8, B-1, C-3, & D-1. Conditions: 1. Reduce the impact of horizontal linear elements by introducing countervailing vertical architectural elements to mitigate the perception of substantial girth and to re-enforce the discreteness of above-grade individual building masses. 2. Widen the entry and enhance the experience of entering into the plaza area from Pontius Avenue N. and beneath the bridge.</p>
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As noted in the above matrix, the Board members suggested specific mitigation in offering their recommendations of approval of the various departures. It was their understanding that the suggested mitigation would find resolution within the MUP plans before they were issued and that the applicant would work with DPD staff to seek solutions that met the various concerns of the Board.

In recommending approval of the granting of a departure for providing less than the Code requirement for façade transparency, the Board was adamant that the inclusion of vitrines, or shallow glass display cases, was not an acceptable design solution for dealing with the lack of real transparency.

The applicants have included no vitrines in their proposal. In response to the Board’s concerns regarding a departure from SMC 23.48.018A, transparency requirements, the applicant has proposed additional transparency into the bicycle storage area. The opportunity for pedestrian views into the interior will be integrated into a vigorous planting plan for the wall along Mercer Street.

The Board expressed concern regarding the lack of street-level retail use along Pontius Avenue N. and cautioned against not planning for retail use over the long-term life of the development.

In response to the Board’s concerns regarding the quantity of blank facades associated with the west building, possible neglect of the pedestrian experience, especially along Pontius Avenue N., and the possible future increase in interaction with pedestrians at the street level there, the applicant has proposed the introduction of two additional entry doors into the area now determined to be for office use.

In response to the Board's considerations regarding the third and fourth enumerated departures, those referencing curb cuts and sight triangles, the Board challenged the applicants to seek architectural solutions for providing pedestrian safety and comfort when vehicles were exiting the parking garage or exiting the "alley" (or central, at-grade driveway). In addition, the Board recommended prohibition of any audible enunciators.

The applicant has proposed utilization of mirrors which is allowed as an alternative in Downtown under the Land Use Code. After consulting with SDOT, DPD concurs that guaranteeing the safety and comfort of pedestrians will be in the self-interest of the applicant who will provide an integrated set of strategies to optimize safety wherever entering or exiting interface with pedestrian pathways.

The fifth requested departure was a substantial departure from the provisions of SMC 23.48.016 A2, a, b, and c, which limits the scale of individual development. In recommending granting of this departure, the Board linked their approval of this departure with the following requests: 1) reduce the impact of horizontal linear elements on some of the facades to mitigate the perception of girth and to re-enforce the discreteness of individual buildings, and, 2.) provide an enhanced approach into the central plaza from Pontius Avenue N., one providing for a larger, more apparent and more inviting pathway from the west.

Subsequently, the design team has addressed the issue of providing for a more gracious entry by providing a wider entry and curving the building's façade at the north side of the passageway notch. An overhead canopy, running along the west façade south of the notched passageway has been added. This intersects with a soffit running along the south edge of the passageway which then connects with the bottom of the bridge. DPD believes these architectural gestures address the enhancement of the entryway requested by the Board, especially as the treatment of the undersides of canopy, soffit and bridge, including lighting, appear to be "of a piece" visually, drawing the eye into the plaza area.

In order to address the concern of a feeling of "excessive horizontality" produced by the window and façade treatments on the structures located within the southeast quadrant and the western half of the site, the applicant has proposed 4-inch vertical fins, repetitive at the window mullions, along both the east and west external facades of each structure.

ANALYSIS AND DECISION - DESIGN REVIEW

On August 7, 2008, the Seattle Design Commission (SDC) met for the final time to unanimously approve the design development for the entire Blume Yale Campus Woonerf and Swale project. DPD was in attendance during all meetings and provided updates related the Design Review process. The SDC affirmed the Design Review Boards enthusiasm for integrating the swale in the right-of-way as an integral component of the applicant's program and design.

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines and South Lake Union Neighborhood Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations noted above. The Director further **APPROVES** the requests for **Departures from Development Standards** enumerated above, also recommended for approval by the design Review Board. This decision is based on the Design Review Board's final recommendations, on the plans submitted at

the public meeting on May 7, 2008 and the plans on file at DPD. The design, siting, and architectural details of the project are expected to remain substantially as presented at the recommendation meeting except for those alterations made in response to the recommendations of the Board and incorporated into the plan sets subsequently submitted to DPD on July 15, 2008.

ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated December 5, 2007) 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. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for 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 pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the project. The potential environmental impacts disclosed by the environmental checklist are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

Short - Term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel;

conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

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

Earth

A preliminary geotechnical report submitted for the proposal was that prepared by Golder Associates, Inc. for an earlier proposal on the same site and dated November 6, 2003 (see issued MUP #2307925). Borings were conducted at varying depths; one at 49.5 feet, five at between 16 and 25 feet and one at six feet. Existing site topography was determined to be similar to that shown in a 1910 survey. The site was found to be generally underlain by localized areas of fill and a repeating sequence of glaciolacustrine clayey silt and outwash deposits. Excavation could likely take place using 1H: 1V slopes kept at least ten feet away from adjacent streets, soldier piling, or possibly by soil nailing technique. It is anticipated that perched groundwater will be encountered during excavation and that construction dewatering can be handled with ditching and sumps within the excavation. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. No SEPA policy based conditioning of earth impacts during construction is necessary.

Traffic and Parking

Traffic during some phases of construction, such as excavation and concrete pouring, will be expected to be great enough to warrant special consideration in order to control impacts on surrounding streets. Seattle Department of Transportation will require a construction phase truck transportation plan to deal with these impacts. The applicant(s) will be required to submit a Truck Trip Plan to be approved by SDOT prior to issuance of any demolition or building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that

limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. In addition, therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 9:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m.

The Department also recognizes that in some cases work after normal hours could lessen traffic impacts or could substantially shorten the total construction time frame, and hence the duration of some impacts. Excavation below grade, below grade cement-pouring foundation work, and other construction activities with proper impact reducing technologies and management practices in place may be candidates for after-hours work and may be allowed if set forth in the approved Construction/Noise Impact Management Plan prepared and submitted for DPD approval before any phase of the construction begins. Otherwise the restrictions stated in the previous paragraph shall apply throughout the project's demolition, excavation and construction phases.

Air Quality Impacts

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Long - Term Impacts

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

The long-term impacts are typical of an office structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these include: 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). Potential environmental impacts which may result in the long-term impacts are discussed below.

Land Use

Existing land use in the South Lake Union and Denny Triangle neighborhoods has not changed significantly since publication of the *Seattle Commons/South Lake Union Plan* FEIS. The Project would be consistent with the pattern of land use change that is occurring in the South Lake Union and Denny Triangle neighborhoods.

Height, Bulk, and Scale

The proposal does not exceed the height of development allowed in the SMR 55/75 zone for buildings without residential uses. The height, bulk and scale measures were addressed during the Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675 a project that is approved pursuant to the design review process shall be presumed to comply with the height, bulk and scale policies. The proposed structures have been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

Views

The proposed project would not affect views of the Space Needle from designated City viewpoints. There are no known view impacts which would coincide with SEPA protected views for locations identified in the Seattle SEPA Policies, hence, no SEPA conditioning for negative view impacts is warranted.

Historic and Cultural Preservation

Construction of the proposed commercial buildings will necessitate the demolition of three existing structures, two of which (common known addresses: 1310 Mercer Street and 624 Yale Avenue N) are subject to determination of their historic status. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*, DPD has referred approval to the City's Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for potential landmark eligibility approval in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.d). Based on the review of the information submitted by the applicant, and information in the online Historic Resources Survey database, it has been determined that it is unlikely, due in part to a loss of integrity, that the buildings located at the addresses listed above would meet the standards for designation as individual landmarks (LPB 631/08, in a letter dated November 24, 2008). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Transportation

Those traffic impacts expected from the proposed project are disclosed in the Traffic Impact Analysis prepared by The Transpo Group and dated May 9, 2008. The project is expected to generate approximately 1,820 new off-site trips per weekday, with 228 occurring during the weekday AM peak hour and 226 occurring during the weekday PM peak hour. As shown in the analysis, the addition of project traffic would cause the intersection of Republican Street/ Pontius Avenue N. to degrade from level of service (LOS) C to LOS D during the weekday AM peak hour and from LOS C to LOS E during the weekday PM peak hour. It can reasonably be expected that the proposal will generate a substantial amount of pedestrian traffic through the nearby area.

The City of Seattle has completed a South Lake Union Transportation Plan which identifies many transportation infrastructure improvements to ameliorate identified problem conditions in the area. Additionally, it has implemented a program by which development occurring in and around the South Lake Union neighborhood would contribute a mitigation payment toward the planned improvements identified in the Plan. The Plan identifies improvements with the goal of improving transportation problems through a combination of auto traffic, pedestrian, bicycle and public transit projects. The program results in the requirement for development projects located within the South Lake Union neighborhood to make a transportation mitigation payment based upon the mitigation payment schedule set forth in DPD Client Assistance Memo (CAM) #243. CAM #243 identifies a base payment schedule of \$1.95 per square foot for office and retail developments. These base fees are then adjusted to account for replacement of existing uses located on the project site and for the reduced impact anticipated with the implementation of a successful Transportation Management Plan (TMP) with a mode split of 60% vehicles.

The Transpo Group study projects for the office trip generation a reduction from 333 to 250 PM Peak Hour vehicle trips with a Transportation Management Program (TMP) in place. The reduction ratio of 75%, based upon a proposed single occupancy vehicle mode of 60 percent, would reduce the schedule fee for office use from \$1.95 to \$1.46. Existing land-uses, warehouse/industrial, totaling 54,600 square feet assessed a fee of \$0.60 a square foot and office at 4,140 square feet assessed at \$1.95, would reduce the mitigation payment by \$40,833.00. Correcting for the actual proposed square feet in office use (274,500) and retail (20,200), the total fee for mitigation would be \$440,160.00, less \$40,833.00, or \$399,327.00. This Decision of the Director will be conditioned so that the applicant(s) or responsible party (ies) shall submit to the City of Seattle the pro rata share of transportation improvement costs in the amount of \$399,327.00 to mitigate adverse impacts associated with this proposal prior to issuance of any permit for shoring & excavation. The applicant will also be required, prior to issuance of any construction permits, to prepare a Transportation Management Program (TMP) for review and approval by DPD and the Seattle Department of Transportation. The goal for the TMP will be to achieve no greater than 60% single occupancy vehicle use.

Parking impacts

The Seattle Land Use Code requires one parking space per 1,000 square feet of office space and one parking space per 500 square feet of general sales and service use (23.54.015). With allowable reductions for the first 2,500 square feet of retail space, and to account for allowed shared parking, the proposal is required to provide a minimum of 309 parking stalls. The proposed supply of 700 stalls meets the minimum required by Code. The Seattle SEPA ordinance (25.05.675M) provides as follows: “in the Seattle Mixed (SM) zone and for residential uses located within the Pike/Pine Overlay District, no SEPA authority is provided for the decision-maker to require more parking than the minimum required by the Land Use Code.”

Parking study information provided by the applicant indicates the parking demand generated by the project would total 437 parking stalls. Assuming an effective parking supply of 665 spaces, the peak parking demand would be able to be accommodated by the available on-site parking supply, assuming the successful implementation of a TMP. The reduction in traffic mitigation fees is premised upon a TMP, and this decision will be conditioned to require submission of a TMP with a maximum single occupancy vehicle rate of 60 percent. No SEPA conditioning of parking impacts will be imposed.

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).

SEPA CONDITIONS

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

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

Prior to Issuance of any Demolition Permits

1. Provide a construction phase truck transportation plan for approval by Seattle Department of Transportation in consultation with DPD.
2. File a Notice of Intent with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the project site.

Prior to Issuance of any Shoring & Excavation Permits

3. Submit to the City of Seattle the pro rata share of transportation improvement costs in the amount of \$399,327.00 to mitigate adverse impacts associated with this proposal

During Construction

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

The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 9:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. unless this restriction is modified by an approved Construction/Noise Impact Management Plan prepared and submitted to DPD for approval before any phase of the construction begins.

Conditions-Design Review

Prior to Issuance of a Certificate of Occupancy

4. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of May 7, 2008, except for those alterations made in response to the recommendations of the Board and incorporated into the plan sets subsequently submitted to DPD on July 15, 2008. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Design Review Program. Inspection appointments with the Planner shall be made at least three (3) working days in advance of the inspection.

Signature: _____ (signature on file) Date: December 18, 2008
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development
Land Use Services

MD:lc

H:dorcym/design review/ Decision 3007324