



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Project Number: 3008413
Applicant Name: Brian Runberg, **Runberg Architecture Group**, PLLC
for RDMSRMT101, LLC
Address of Proposal: 101 Taylor Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a nine-story building containing 3,818 sq. ft. of retail and 16 ground-related dwelling units at grade with 242 residential units above. Project includes 26,850 cu. yds. of grading. Parking for 281 vehicles to be located in 2 levels below grade. Existing structure to be demolished.

The following approvals are required:

Design Review - pursuant to Seattle Municipal Code (SMC) Chapter [23.41](#), involving a departure from development standard.

- Upper Level Setbacks — SMC 23.48.0102B
- Façade Setbacks — SMC 23.48.014D

SEPA - Environmental Determination – pursuant to SMC Chapter [25.05](#).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions¹
 DNS involving non-exempt grading, or demolition or
 involving another agency with jurisdiction.

Notices of Application and Comment Periods

Public notices of the Design Review meetings were given on May 15th 2008 and July 31st 2008 — Public Meetings were held on June 2nd 2008 and August 20th 2008. Public notice of the Land Use Application was given on March 29th 2010 and the public comment period ended on April 11th 2010. Public notice of the third Design Review meeting (for a recommendation) was given on November 4th

¹ Early DNS (Determination of Non-Significance) for the application was published March 29th 2010.

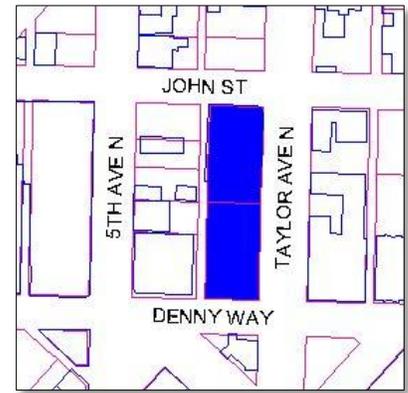
2010, and the Public Meeting was held on November 17th 2010. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000².

BACKGROUND DATA

Proposal and Vicinity Information

The development proposes to construct a nine-story building on the site consisting of one level of retail and 16 ground-related dwelling units, open spaces and a residential lobby, two levels of underground parking for 281 spaces (parking is not required in this zone) and seven residential floors with approximately 242 market-rate housing units.

Vehicular access into the parking garage will be from the alley. Residential access to the site will be from Taylor Avenue N. The general massing intent of this development is to encourage pedestrian activity along both Denny Way and Taylor Ave.



This site is located in the Uptown neighborhood at 101 Taylor Avenue N. The site occupies one quarter of a block at the NW corner of the intersection of Denny Way and Taylor Avenue N. The site is bounded to the east by Taylor Avenue N. The site is bounded to the south by Denny Way. The site is bounded to the east by an alley. The site is bounded to the north by property occupied by a nightclub. There is an improved alley to the west of the site.

The site is occupied by a one-story commercial building and surface parking.

The site slopes mildly, with the lowest elevation at the NE corner of the property and sloping upwards to the west and south. The SW corner of the property is approximately four feet higher than the lowest corner at the NE. Street trees will be added as directed by the City of Seattle Arborist Bill Ames.

The site is zoned SM-85' (Seattle Mixed). Per the Land Use Code, Denny Way is designated a Class 2 Pedestrian street. Per SDOT, Denny Way is designated a Class 1 principal arterial and a minor transit street. Per SDOT, Taylor Avenue N is designated an access road. The site falls within the "Uptown Urban Center" but there are no neighborhood specific guidelines for this site. The FAR limit is 4.5 for all nonresidential uses. The ground level will be occupied by retail spaces, open spaces, a residential lobby and access to parking garage.

The adjacent zoning to the north and east is also SM-85'. The adjacent zoning directly to the south is DMR/R-125'/65'. The zoning to the southeast is DMC 240'/290'-400' and the zoning to the southwest is DMC-85'. The zoning to the northwest is NC3-85'.

Six blocks to the east the zoning is IC-85'.

The development in the neighborhood to the north, east and southeast of the site (South Lake Union and Denny Triangle neighborhoods) is primarily a mixture of automobile repair shops, small and large office buildings, motels, and surface parking lots. A six-story mixed-use building is under construction on Taylor Avenue N across the street from the site. The development in the neighborhood immediately

² <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

to the south and southwest of the site (Belltown) is primarily a mix of mid-rise residential buildings, office buildings, mixed-use buildings with a lot of active eating and entertainment venues. The Uptown neighborhood immediately to the west of the site includes Seattle Center, with the Space Needle in full view directly to the northwest of the site. The elevated Monorail is situated to the west of the site, creating a strong north-south presence for the site. In addition to the Seattle Center, Uptown also includes development such as mixed-use and office buildings, most significantly the Fisher Plaza, a mix of offices, television studios and eating establishments is located at the east of the 5th Avenue N one block from the site.

The site is located on at the intersections of three distinct neighborhoods: Belltown, Denny Triangle, Uptown and a fourth neighborhood, South Lake Union, is further east. The site also has views to Puget Sound (via Cedar St), the downtown skyline, the Monorail, and the Space Needle.

The site is within walking distance to Seattle Center (two blocks to the northwest) as well as Denny Park (four blocks to the east) and the Olympic Sculpture Park (six blocks to the southwest). Designated City Landmarks close to the site include: one block to the southwest, Seattle, Chief of Suquamish Statue and the Monorail, two blocks to the northwest, the Space Needle and one block to the east, the Bank of America building.

The site is well-served by Metro transit bus routes #3/ #4/ #16/ #82 on Cedar Ave & Denny Way and Metro transit bus route #8 on Denny Way & 5th Ave. The Seattle Streetcar also has a stop at the corner of Westlake Ave & Denny Way. The Monorail runs along 5th Avenue from the nearby EMP in the Seattle Center to the Westlake Center.

DESIGN PRESENTATION

At the Early Design Guidance (EDG), the applicant presented **four design options** for the southern half of the current site. The owner then acquired northern half or the rest of the block on Taylor, and the applicant created new schemes for the full site. All of the options include a parking garage entrance from the alley, a residential lobby on the northeast corner of the site on Taylor Avenue, retail and live/work on the ground level, a 4' setback at grade from the property line at Denny, and a zoning departure request for SMC 23.48.012.A.1 Upper Level Setbacks required at a portion greater than 45' in height.

The first option proposed retail and residential units to form an “E” along Taylor Ave with two large courtyards on Level 2 oriented to the west alongside the alley.

The second option proposed the opposite of option 1, with retail and residential units forming an “E” along the alley with two large courtyards at street level facing Taylor Ave.

The third option proposed retail and residential units forming an “S” along Taylor Ave, with the building meeting the sidewalk on the south half of the block and setting back on the north half with street-level open space.

The fourth option, preferred by the applicant, proposed retail and residential units to form a double “I” along Taylor Ave. The option provides street-level open space along Taylor Ave. and courtyards at level 2 facing the alley.

In addition to the four massing options, the applicant presented conceptual sketches showing more detailed articulation of the building massing. They also presented studies showing potential treatment of the elevations.

The site plan, applicable to all schemes, proposes to create a raised stoop-like access to the live-works along Taylor Avenue as a means of creating a separation from the public right of way.

PUBLIC COMMENT

Four (4) members of the public attended the Early Design Guidance meeting. The following comments were offered:

- Owner of Chief Seattle Building expressed concern with use of alley by applicant: one of his tenants, Fats City Motors needs to use alley every 5 minutes
- disappointed to see parking lot go as it is used frequently by Seattle Center visitors
- width of sidewalk on Denny Way not adequate to handle amount of people exiting after Seattle Center events
- important to have businesses in the neighborhood
- want to know when construction is set to start
- Owner of Fats City Motors expressed concern with viability of his business tied to the alley: has deliveries coming frequently throughout the day and needs to be able to access alley at all times and concerned mural advertisement on alley side of his building will not be visible with proposed project

No members of the public attended any of the other design review meetings.

Board Comments — at Early design Guidance — relating to **guideline(s) noted in bold text**

- The Board felt that Scheme L provides the highest open space at the ground level and expressed interest in seeing a massing scheme that combines Scheme L & I. **A-2, A-4, A-7.**
- The Board felt that the sidewalk width on Denny Way is important issue due to high pedestrian traffic on the sidewalk along Denny Way adjacent to the high automobile traffic along Denny Way. **D-7.**
- The Board expressed interest in seeing a 5' buffer of landscaping between the curb and the sidewalk to and providing 15' to 16' from face of curb to face of building along Denny Way. **D-7.**
- The Board also suggested comparing the amount of setback BRE has along Denny Way and using the same or complementary planting as BRE. **A-5.**
- The Board felt that the treatment of the ground level space along Taylor Ave needs to have the flexibility of accepting live/work or commercial retail/office space. **A-2.**
- The Board likes the live/work design ideas presented citing the importance of providing a buffer from public right of way should the spaces become live/ work. But the Board also questioned the

appropriateness of the residential aspect of live/work along Taylor. According to the Board, the BRE project made gesture to create an outdoor room, but surrounding development needs to be programmed in such a way to activate the outdoor spaces and there is concern that the residential aspect of live/works would not activate Taylor Ave to the same degree as retail spaces would. **A-2.**

- The Board also expressed interest in seeing the retail component wrap the corner of Denny Way and Taylor Ave. **A-2.**
- The Board discussed a series of gestural drawings presented by the applicant noting the importance of how the building is treated along Denny Way versus along Taylor Ave and citing integrated modulation as important aspect of project. **C-1, C-2.**
- The Board expressed the importance of a thread of continuity with the project and its relationship to the surrounding context. **C-1, C-2.**
- The Board felt that the size of the building is important. **B-1.**
- The Board felt that lighting, signage and canopy detailing is important for the project. **D-9, D-10.**

ANALYSIS - DESIGN REVIEW

At the Early Design Guidance meeting held on May 15, 2008 and the Recommendation Meeting held on August 20, 2008; and after visiting the site, considering the 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 Multi-family and Commercial Buildings*" and "*South Lake Union*" Design Guidelines of highest priority to this project:

A. Site Planning

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

SLU-specific supplemental guidance:

- Encourage provision of "outlooks and overlooks" for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.
- Minimize shadow impacts to Cascade Park.
- New development is encouraged to take advantage of site configuration to accomplish sustainability goals. The Board is generally willing to recommend departures from development standards if they are needed to achieve sustainable design. Refer to the Leadership in Energy and Environmental Design*(LEED) manual which provides additional information. Examples include:
 - Solar orientation
 - Storm water run-off, detention and filtration systems
 - Sustainable landscaping
 - Versatile building design for entire building life cycle

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

SLU-specific supplemental guidance:

The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Streetscape compatibility is a high priority of the neighborhood with redevelopment. Sidewalk-related spaces should appear safe, welcoming and open to the general public.

- Provide pedestrian-friendly streetscape amenities, such as: tree grates; benches; lighting.
- Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.
- Where appropriate, consider a reduction in the required amount of commercial and retail space at the ground level, such as in transition zones between commercial and residential areas. Place retail in areas that are conducive to the use and will be successful.
- Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).

At Recommendation meeting, the architect responded by: Illustrating that the commercial/retail space will have the potential to be configured for either small retail shops or a larger retail store.

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

SLU-specific supplemental guidance:

- Create graceful transitions at the streetscape level between the public and private uses.
- Keep neighborhood connections open, and discourage closed campuses.
- Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.
- Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity.
- Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.
- Create businesses and community activity clusters through co-location of retail and pedestrian uses as well as other high pedestrian traffic opportunities.
- Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.

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

At the Early Design Guidance Meeting, the Board felt that the proposed design should respond to the concerns of adjacent businesses, particularly the business to the west of the site.

Consideration should be given to the design of the façades of the building in order to meet these guidelines. Items to consider include window locations, landscaping, location of open space, materials, and architectural treatments.

At the Recommendation Meeting, the Board acknowledged that the proposal as an acceptable transition between the project site and the adjacent development sites. The applicant's power point presentation provided sufficient detail on how the proposed development will work with the existing zoning constraints of this site, work with the existing site conditions and adjacent properties.

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

B. Height, Bulk and Scale

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

SLU-specific supplemental guidance

- Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.
- Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level. Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.
- Relate proportions of buildings to the width and scale of the street.
- Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.
- Consider using architectural features to reduce building scale such as: landscaping; trellis; complementary materials; detailing; accent trim.

At the Early Design Guidance Meeting, the Board was very concerned about the bulk of the building occupying the full length of the block and stated that the articulation of the massing was very important. The Board favored the more detailed conceptual massing model over the other four massing options. The Board was supportive of the break in the 8th story in the middle of the block and of the setback above the 5th story along Taylor Ave. The Board was supportive of the variations between the two halves of the building and felt that the applicant should avoid being too rigidly symmetrical. The Board noted that the articulation of the massing should be kept simple, and the materials and architectural elements used should be limited to keep the building from becoming too busy. The Board commented that the portion of

the building facing Denny Way was too busy, and should be treated as a single massing element.

At the Recommendation Meeting, the Board stated that the proposed adjusted elevations are an appropriate response, noting particularly that the articulation of the exterior materials has been simplified. The Board also appreciated that short facades (Denny and John) were simplified to read as one element.

The Board accepted the Applicant's rationale for symmetry along the longer facades as a logical way to break up the perceived length of the structure without being too busy. One Board member commented that the layering of materials allows the massing to read as separate components that have been brought together. The Board noted that the scale of the façade at street level is appropriate as shown and appreciated the street designs.

The Board recommended the approval of departures.

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.

At Recommendation meeting, the Board offered the following comments:

The revised elevations have been appropriately simplified and clarified to illustrate a clear order, particularly for the base of the building. The upper penthouse could be more integrated into the rest of the design and have a lighter feel.

The architect has responded by: Adjusting the elevations so the window pattern in the penthouse has a stronger relationship with the fenestration pattern in the lower brick portions of the building. The penthouse has been given a more human scale by adding panel joint lines to give the penthouse a more human scale and using a metal cladding material. (See A3.0-4)

At Recommendation meeting, the Board offered the following comments: the pedestrian experience along Denny and Taylor could be varied with the use of different lighting, textures, and/or paving patterns. .

The architect has responded by: Retail lighting on Denny is a larger round light in each brick pier, providing a different vocabulary from the main residential entry on Taylor. The ground-related dwelling units will have entry lights in the brick along John Street will have a lighter, more glassy luminary appearance. The dwelling units on either side of the main residential entry off Taylor will have downlights in the awnings to illuminate the decks and will also have step lights in the planter walls along Taylor to illuminate the steps and walk on the property to present a more inviting and safe entrance to the individual units at night. We will be working with an Electrical consultant to help with luminance and keep within the maximum light pollution standards for outside the property.

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.

At Recommendation meeting, the Board stated that they wanted to see a unified architectural concept applied to the entire building.

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.

At the Early Design Guidance Meeting, the Board commented that architectural elements should not become too busy and modulation should be limited. The Board was supportive of the bays shown on the conceptual massing model, and of the varying position and proportions between the bays on the two halves of the building. The Board stated that the scale of these elements relative to the scale of the building was important, and the applicant should study them carefully as the design progresses. The Board was not enthusiastic about the sloped roof, but felt it had potential to give identity to the project.

The Board was not supportive of the elevation studies presented. They stated that the “frame” concept from the original half-block scheme was too busy, and didn’t fit with the new concepts presented for the whole block.

At the Recommendation Meeting, the Board supported the proposed material palette, noting the low maintenance and durable quality of the proposed materials.

At Recommendation meeting, the Board offered the following comments and the architect has responded by: Paneling & Brick. The various panels or “Gaskets”, help break down the massing without being contrived. The brick will be detailed such that the verticals will be slightly proud of the horizontals and lintel brick and brick cornice will vary in orientation and step from the field brick to add another layer of depth and design to the brick masses.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

At Recommendation meeting, the Board offered the following comments and the architect has responded by: Revising the elevations. On the alley side of the building we have added openings to the garage with a nice pattern so it won’t appear tacked on or cheap the holes align with the windows above at certain locations to help break up the monolithic concrete wall along the alley.

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.

SLU-specific supplemental guidance:

New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as: curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow; pedestrian-oriented street lighting; street furniture.

At Recommendation meeting and following the meeting, the architect has responded by stating, "We have adjusted the pavement pattern along Taylor & John. We have continued the unit entry paving pattern thru the sidewalk to break up the larger sidewalk pattern along Taylor & John and give it a more residential feel. We also have tied in the three brick volumes which ground the corners & main unit entry and carried the pattern in the sidewalk side walk pattern. We have added curves at the North & South corners of Taylor to play off the gentle curves on the neighboring property to the East. We have also added benches in intermittently along Taylor between the sidewalk and the street tree walls to further animate the street experience and allow people to sit and activate the street. (See sheets L1.0 & L1.1 for modified paving pattern & landscape at the street.)" Relates also to D-7, D-10, and D-11.

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

South Lake Union Guideline (augmenting D-7):

- **Enhance public safety** throughout the neighborhood to foster 18-hour public activity. Methods to consider are:
 - enhanced pedestrian and street lighting;
 - well-designed public spaces that are defensively designed with clear sight lines and opportunities for eyes on the street;

At the Recommendation Meeting, the Board was supportive of the streetscape concepts presented, and appreciated the amount of attention given to the design of the streetscape. The Board was supportive of the setback on Denny Way to create a wider sidewalk. The Board was supportive of the raised-stoop concept and 20' setback at the ground-related dwelling units along Taylor Ave. The Board would like to see a strong architectural treatment of the pedestrian level distinguished from the building above to create a street wall. The Board noted that the proposed setback above the 5th floor could achieve this effect if it is made more prominent. The Board commented that the detailing of the ground-related residential stoops in terms of dimensions, materials and plantings would be crucial to the success of those spaces. The Board was supportive of the "arcades" over the sidewalks at the corners and noted that they need to be studied and detailed carefully to be successful. The Board stated that John St. will likely become a major E-W pedestrian street, and that more attention needs to be paid to the design of John St.

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

SLU-specific supplemental guidance:

Enhance public safety throughout the neighborhood to foster 18-hour public activity. Methods to consider are: enhanced pedestrian and street lighting; well-designed public spaces that are defensively designed with clear sight lines and opportunities for eyes on the street; police horse tie-up locations for routine patrols and larger event assistance.

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.

At the Recommendation meeting, DPD staff expressed concern with future location of signage. The applicant clarified that the sign would be appropriate for the character desired in the area. Additionally, the Board felt that the signage as shown introduces variety and the exact size of the signage will be determined as part of the retail tenant improvements.

E. Landscaping

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as steep slopes.

At the Early Design Guidance Meeting, the Board stated that there needed to be more plantings in the streetscape, especially along Taylor Ave. The Board would like to see larger plantings between the live-work units to create more privacy. The Board encouraged the applicant to look at the landscape plan for the Taylor 28 project across the street, especially its incorporation of drainage for surface run-off.

Development Standard Departures

DEVELOPMENT STANDARD REQUIREMENT	REQUEST/ PROPOSAL	JUSTIFICATION	ACTION
SMC 23.48.014 A.1 Upper Level Setbacks. Upper level setbacks of 1’-0” for every 2’-0” of height above 45’-0” to a maximum setback of 15’-0” is required along Denney Way.	A 1,995 GSF encroachment into the upper level setback along Denny Way	The entire building façade is being held back over 4’-0” from the property line in order to enhance the pedestrian experience by widening the sidewalk along Denny. Given the high volume of traffic along the right-of-way, the building has given more room to the pedestrian realm.	The Board voted unanimously to recommend approval of all requested departures needed by the proposal.
SMC 23.48.014 D. Façade Setbacks. Building facades maybe setback up to 12’-0” from the property line.	An increase setback along Taylor Ave N from 12’-0” to 22’-0” max, as diagramed on MUP drawing T0.3	The additional depth will be occupied primarily by landscaping which will contribute to the pedestrian experience along the right-of-way as well as provide a significant buffer between the public zone at the sidewalk and the private townhouse entries along the frontage.	The Board voted unanimously to recommend approval of all requested departures needed by the proposal.

The Board was supportive of the applicant’s request for the departures. The Board felt that the street level was more important to the quality of the streetscape than the upper levels, and the applicant’s

proposed wider sidewalk on Denny Way would be more beneficial than an upper-level setback. Additionally, increased setback along Taylor Ave N will contribute to the pedestrian experience along the right-of-way; as well as provide a significant buffer between the public zone at the sidewalk and the private townhouse entries along the frontage.

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Director of DPD to adequately conform to the applicable Design Guidelines.

Three members of the Queen Anne/Magnolia Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings. The Design Review Board

agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

ANAYSIS—SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a commercial zone and exceeds four dwelling units.

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist dated March 2, 2010 and annotated by the Land Use Planner. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans, considered pertinent public comment; and forms the basis of this analysis and decision based on its experience as lead agency with review of similar projects.

As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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, and 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. Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of some of the impacts is appropriate and is noted below.

Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; consumption of renewable and nonrenewable resources; and removal of ground water. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Earth

The proponents have submitted preliminary soils analysis for DPD review. DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff

indicates that existing Codes provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

Given the age of the existing structure on site, it may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections [25.05.675 A](#) and [F](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the project’s anticipated adverse air impacts will be adequately mitigated. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Filing of a Notice of Intent to that agency will alert them of the development proposal and help insure air quality impacts during demolition and construction are controlled. To insure this outcome SEPA Construction Impacts authority will be imposed to require the owner or developer of the proposed project to file a Notice of Intent with the PSCAA prior to beginning any work on the site.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

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

Street and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic

impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at site could adversely affect the surrounding residential/commercial uses. Due to the proximity of these 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.

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 7 AM to 7 PM. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 AM and 7 PM 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 the above-stated restrictions may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the **Noise Abatement Coordinators** (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

Parking

Offsite parking in the vicinity of the site is constrained by daytime/nighttime uses and the busy arterials. On-street parking is currently well utilized, but does not appear to be saturated during nighttime hours. For surrounding uses, daytime on-site parking appears to be generally available, for a fee.

Off-site construction parking is likely to occur on-street during excavation and construction of the parking levels, after which it will be possible to move vehicles entirely onsite. This construction-related impact is likely to be relatively minor and of short duration. DPD therefore determines that no further mitigation is warranted in this regard.

Construction Vehicles

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/file material, with each truck holding approximately 20 cubic yards of material, thus requiring approximately 1,342 truckloads (2,684 trips) to remove the estimated 26,850 cubic yards of excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City’s adopted codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the street use ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional

design elements to prevent isolated flooding. 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.

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to 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.

Parking

The Institute of Transportation Engineers' Parking Generation report provides peak parking data for "High-Rise Apartments" (buildings of five or more stories). The rate for such buildings in urban areas outside the central business district (CBD) is 1.37 vehicles/unit, while rates gathered at two CBD sites were below 0.6 vehicles/unit. Given this disparity in rates, and the location of the project site on the edge of Seattle's downtown core, vehicle ownership data from the 2000 Census were used to provide an estimate of the project's likely peak parking demand. The traffic impact analysis prepared for the project by William Popp Associates notes that the Census data for the area indicates that a rate of 0.75 stalls/unit would be appropriate. Using this rate, the 258 residential units would be expected to generate a peak parking demand of 194 vehicles. The proposed parking supply of 281 spaces will be sufficient to accommodate the likely peak demand; no parking impacts are expected from the project. No further SEPA-based conditioning of parking is warranted based on likely project impacts.

Traffic and Transportation

A traffic impact analysis for the proposed project was prepared by William Popp Associates. The study was reviewed by DPD staff and determined to reasonably identify the likely traffic and transportation impacts of the project. The study calculated the expected volume of additional vehicle trips using rates obtained from the Institute of Transportation Engineers' Trip Generation report (8th edition). The proposed uses on the site are expected to generate 1,229 new daily trips, with 82 of these trips occurring during the morning peak hour and 111 occurring during the afternoon peak hour. Current uses on the site generate a small number of trips that will not occur when the existing buildings are demolished. Subtracting these trips results in a forecast net trip increase of 1,130 daily trips, 73 morning peak hour trips, and 101 afternoon peak hour trips.

The project-related trips were distributed and assigned to the surrounding street system; specific distribution percentages and assignment volumes are provided in the William Popp traffic impact analysis. The impact analysis also estimates future level of service (LOS) during the afternoon peak hour at several nearby intersections with and without the project, to identify the expected impacts of the project on traffic operations. All nearby intersections are expected to operate well (LOS C or better) both with and without the project, except the intersection of Denny Way/Battery Street/northbound Aurora Avenue ramps. This intersection is forecast to operate at LOS E with or without the project; traffic from the 101 Taylor project is expected to increase average afternoon peak hour delay by only about two seconds. This increase in delay would not be noticeable to most drivers, and does not warrant mitigation.

The City of Seattle has implemented a program through which development occurring in and around the South Lake Union neighborhood would contribute a mitigation payment towards the planned improvements identified in the South Lake Union Transportation Plan. The Plan identifies multi-

modal improvements including a combination of auto, transit, bicycle and pedestrian projects. To adequately mitigate its transportation impacts in the South Lake Union neighborhood, the 101 Taylor project will be conditioned to pay its pro-rata share of these capital projects, based on an assignment of forecast project trips through the South Lake Union area. Based on the anticipated project trip generation and assignment, the project's calculated transportation mitigation payment is \$27,852. DPD concludes that the project's likely impacts on traffic and transportation are adequately mitigated as discussed above and conditioned below.

Height Bulk and Scale

SMC [25.05.675 G2c](#) states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project. The proposed structure is located on a SM-zoned site, and the structure is designed to conform to its height limit. Further, the top floor "4-pod" proposal steps back approximately 9 to 23' from its west property line, with north and south halves highly transparent common amenity lounge approximately 36' wide. Additionally, it provides appropriate fenestration and shifts in finish materials as modulation³. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's likely light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. DPD therefore determines that nighttime light impacts are not likely to be substantial and warrant no further mitigation.

The effects of reflected sunlight are of greatest concern along heavily trafficked arterials. The site is oriented N-S, and periods of direct solar reflectance to southbound traffic are likely to be brief to non-existent, and adequately mitigated by appropriate glazing. Northbound traffic would be affected only by reflectance from the southern wall, which is narrower and partially shaded by adjacent development. The project is not likely to be a substantial source of glare to the surrounding environment. DPD therefore determines that no further mitigation is warranted, per SMC [25.05.675 K](#).

Historic Preservation

Background information related to existing structures on the site indicate that the existing structure on the site would not likely to qualify as a landmark. Staff at the Department of Neighborhood concurs with this assessment. No mitigation is necessary pursuant to SMC [25.05.675 H](#).

³ See sheet A 1.7 of plan set.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

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.

[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\(2\)\(C\)](#).

CONDITIONS – SEPA

The following condition(s) to be enforced during demolition/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 owner applicant/responsible party shall:

Prior to Building Permit Issuance

1. The applicant(s) or responsible party(ies) shall submit to the City of Seattle \$27,852.00 the *calculated transportation mitigation payment* of \$27,852.00 for the anticipated traffic mitigation costs.
2. The owner or developer of the proposed project shall file a Notice of Intent with the PSCAA prior to beginning any work on the site.

During Construction (including demolition)

Construction activities, other than those taking place within the enclosed building, are limited to the hours of 7 AM to 7 PM on non-holiday weekdays. It is recognized that there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore the Department reserves the right to approve waivers of these construction hour and day restrictions. Such waivers must be requested at least three business days in advance, and approved by the Department on a case-by-case basis prior to such work. After the building is fully enclosed, on a floor-by-floor basis, interior work

may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

3. All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to demolition, grading, deliveries, framing roofing, and painting) shall be limited to non-holiday weekdays between the hours of 7 AM and 7 PM. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 AM and 7 PM 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 the above-stated restriction may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours are weekend days must be submitted to **Noise Abatement Coordinators** — David George david.george@seattle.gov (206) 684-7843 or Jeff Stalter jeff.stalter@seattle.gov (206) 615-1760 — at least **three (3) days in advance of the requested dates** in order to allow DPD to evaluate the request.

4. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

CONDITIONS – DESIGN REVIEW

The owner applicant/responsible party shall:

For the Life of the Project

5. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on November 17, 2010, and as modified in updated plans approved by Colin R. Vasquez, Senior Land use Planner, following the Board's recommendation meeting.
 - Compliance with this condition shall be verified and approved by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639 (or the Design Review Manager) at a Pre-construction meeting. The purpose of the meeting will be to review the approved Design Review Plans and to inform the contractor that any changes to the exterior of the building must be reviewed and approved by the Land Use Planner prior to proceeding with any proposed changes.
 - **You must make an appointment with the assigned Land Use Planner or Design Review Manager at least three (3) working days in advance of scheduling a date for a Pre-construction meeting.**

Prior to Building Permit Issuance

6. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Senior Land Use Planner (Colin R. Vasquez, 206-684-5639). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW

improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

8. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Compliance with all applicable conditions must be verified and approved by the Senior Land Use Planner, Colin R. Vasquez (206-684-5639) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (Signature on File)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: November 14, 2011