



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

**Project Number:** 3009833  
**Applicant Name:** Brian Runberg, Runberg Architecture Group PLLC  
for Michael Hubbard, Capstone Partners, LLC  
**Address of Proposal:** 901 Dexter Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 7-story structure containing 290 apartment units above 13,758 sq.ft. of retail in an environmentally critical area. Underground parking for 231 vehicles proposed. Existing structure to be demolished.

The following approvals are required:

**Design Review** - pursuant to Seattle Municipal Code (SMC) Chapter [23.41](#), involving departures from development standards.

- SMC 23.54.030 D.2.A.2., width of driveways.
- SMC 23.54.030 G.1., driveway sight triangle.
- SMC 23.48.014 B.2., minimum façade height on class 2 pedestrian streets.

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

**SEPA DETERMINATION:**       Exempt    DNS    MDNS    EIS  
 DNS with conditions<sup>1</sup>  
 DNS involving non-exempt grading, or demolition or  
involving another agency with jurisdiction.

**Notice of Application and Comment Period**

Public notice of the Design Review meeting was given on January 1, 2009 and the Public Meeting was held on January 21, 2009. Public notice of the Land Use Application was given on April 9, 2009 and the public comment period ended on April 22, 2009. Public notice of the second Design Review meeting (for a recommendation) was given on September 3, 2009, and the Public Meeting was held on September 16, 2009. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>2</sup>.

<sup>1</sup> Early DNS (Determination of Non-Significance) for the application was published April 9, 2009.

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

## **BACKGROUND DATA**

### Project Description

The applicant proposes a 7-story (approximately 65 foot high) mixed-use development consisting of approximately 290 residential units, 13,758 square feet (sq.ft.) of retail, and underground parking for 231 vehicles in new construction. Existing building will be demolished.

### Vicinity Information

The site is located at the corner of Dexter Avenue N and Aloha Street. Dexter Avenue N is a minor arterial. The site and vicinity slope down to the east toward Lake Union. The site is currently occupied by a two-story Korry Electronics Building. There is a steep slope on the west side of the site, vegetated with grass, vines and small shrubs. There is an existing surface parking lot to the north of the site.

Note: The site to the north is under MUP permit # 3006945 for a proposed 348,200 sq.ft. office building to occupy a parcel from Dexter Avenue N to Aurora Avenue N.

On Aloha Street and Dexter Avenue N, there are existing curbs and sufficient width to accommodate full sidewalk improvements. There is a bus stop off the ROW at Dexter Avenue N serving Metro routes 26 and 28. Much of the site is level, subject to historic grading associated with the adjacent rights of way. A topographic break of roughly 60' runs along the west side of the site. The site's atypical topography due to the pre-existing building is eligible for consideration under Director's Rule 12-2005<sup>3</sup>. Portions of the site are designated as Environmentally Critical Areas on City maps (steep slope, potential slide).



The site is zoned Seattle Mixed with a 65' base height limit (SM-65). The site is located in the South Lake Union Hub Urban Village and falls under the South Lake Union Design Guidelines. Properties to the north, south, and east of the site are also zoned SM-65. Land to the west across Aurora Avenue N is zoned Low-rise 3 Residential-Commercial (L3-RC), and land directly to the west is zoned Commercial 1 with a 65' base height limit (C1-65).

Because most of the sites in the vicinity do not reach full zoning potential, the area could experience substantial redevelopment in the future. Low commercial buildings and newer mid-rise residential condominiums characterize the east side of the Aurora corridor, while older low-rise apartment buildings along with some commercial make up the west side. Dexter Avenue N is characterized on its east and west sides with mid-rise mixed use and residential buildings, some lower commercial, and newer mid-rise office buildings. Several businesses have large accessory surface parking lots. Dexter Avenue N is also a principal route for bicyclists and within close proximity to South Lake Union Park and the Center for Wooden Boats.

<sup>3</sup> See code interpretation 09-004 (Project 3010280).

### **DESIGN PRESENTATION** (at Early Design Guidance)

**Three design alternatives were presented** at the Early Design Guidance (EDG) meeting. All schemes were code compliant and included ground-level retail and live/work along Dexter Avenue N, parking garage entrances on both Dexter Avenue N and Aloha Street, stacked residential units above street level development, and proposed open spaces at Levels 2 and 7.

The **first alternative (“E”)** included a continuous street wall along Dexter Avenue N with Level 2 courtyards on the west, facing the Alterra condominiums. The applicant noted that the west-facing units and courtyards will be severely compromised with low quality light due to the site’s steep slope and orientation to the west.

The **second alternative (“3-pod”)** was a variation to the E-scheme, where the Level 2 courtyards are located on the east, breaking up the façade along Dexter Avenue N. The applicant also noted that the west-facing units would be severely compromised with low quality light but the east-facing courtyards will have better sun exposure than the E-scheme.

The **third alternative and the applicant’s “preferred” (“4-pod”)** proposed an expression of four solid blocks with voids for Level 2 courtyards fronting Dexter Avenue N, connected by single-loaded corridors along the west. The applicant noted that this scheme was a more appropriate response to the site by eliminating western-facing units on a steep slope, in an effort to take advantage of the eastern exposure and also to avoid privacy issues with the Alterra residents.

The applicant expressed the goal to achieve LEED certification and improve the pedestrian environment along Dexter Avenue N.

### **Board Comments** (at Early design Guidance)

The Board had the following questions and clarifying comments:

- The Board believes the biggest issue is the massing. In response to the two Alterra buildings, the north and south part of the site should be approached differently and the massing should be more site specific. The “E” scheme responds well to the south Alterra building, but the west elevation of the “4-pod” scheme represents a long wall. The Board would like the applicant to find a compromise, perhaps an “S” scheme or a modification to the “3-pod” scheme by pushing the central corridor to the east. Courtyards on the west will not receive quality light, but there should be more relief from the Alterra buildings. The courtyards in “E” and “3-pod” seemingly are a better scale than those of the “4-pod” scheme and respect the adjacent Alterra building. The north and south pods may not have to align.
- The Board recognizes the importance of detailing the roof and would like the applicant to provide more information about the design, specifically the setbacks on the west side, the location of elevator and stairwell overruns, and the detailing of mechanical equipment.
- The Board encourages the applicant to explore landscaping opportunities, especially at street level, along the west façade, and activating the bus stop area.
- The Board is concerned about pedestrian safety and the width of the drive access on Dexter Avenue N. The applicant will represent the adjacent commercial building in all future renderings.

- The live/work should create a common edge along Dexter Avenue N and have defensible space.
- As for architectural context, the Board would like to see a design that is not as busy as the Dexter Lake Union Apartments and not as monolithic as the Neptune Apartments or similar projects.
- As for materials, Dexter Avenue N is an eclectic street. There is no predetermined set of materials, however the applicant should respond to the adjacent projects. The Board would like the applicant to study the materials proposed for 1101 Dexter and how the design responded to glare and window placement.

**Public Comments** — the following comments were offered, *with responses noted in italics*:

Approximately 30 members of the public attended the Early Design Guidance meeting ...

- Developers are entitled to build an 85' office building but chose not to with respect to Alterra residents.
- Concerned about the flat wall along the west façade. Concerned about the application of the Director's Rule. Would like to see the roof pulled back from the west property line.
- Resident from north Alterra building stated the proposed building will block all light to her windows. Would like to see landscaping options, possibility of trees.
- Isn't it mandatory for an 85' building to step back?
  - *Board response: Not mandatory. Director's Rule appears to be correctly applied.*
- Concern about parking garage entry on Aloha Street.
  - *Board response: DPD will review the traffic study with the transportation planner.*
- Concern about additional equipment on top of the mezzanine roofs.
- Would like to see adjacent approved commercial building represented in images.
- The opening on Dexter Lake Union Apartments runs through the block from Aurora to Dexter. That doesn't happen on the proposed scheme.

...and approximately 10 members of the public attended the Recommendation meeting.

- Appreciates neighboring property landscape proposal but concerned with how landscaping will be maintained.
- Notified Board that an interpretation request has been filed with the city and Alterra believes the building as proposed is higher than what is allowed by code.
- Neighboring property landscaping proposal for Alterra would be a beneficial feature for Alterra and would like to see the Board make the proposal a condition of the recommendation, subject to appropriate agreements on access and details.
- Appreciates mitigation attempts along west face such as the landscaping, but would prefer to have trees.
  - *Applicant responded: a variety of plantings are proposed along the west façade, including evergreen and deciduous trees.*
- Appreciates proposed cladding.
- Alterra appreciates reduction in height at central court and would like additional height reduction in 2 other courts.
- Concerned with potential noise from rooftop mechanical equipment.
  - *Board responded: modern day mechanical equipment emits less noise than current equipment on the Korry building.*

- Opposed to parking space standard departure request 1 and 2 on Aloha St., noting that traffic safety mirrors do not work the way they are intended.
- Concerned that no visitor parking has been identified by applicant, concerned with queuing of traffic along Aloha and concerned project will impact bike lanes along Dexter.
  - *Board responded: Many of the parking issues are subject to DPD's land use review and not DRB.*
- Would like to see a comparison of window placement along west façade in relationship to Alterra's windows.
  - *Applicant responded: a slide in the PowerPoint was pulled up showing where the windows along the west façade occurred in relationship to Alterra's windows. The applicant demonstrated that the residential unit windows do not coincide with Alterra's windows, except at one location.*
- Alterra north resident concerned that air ventilation will be blocked with proposed project.
  - *Board responded: No heat sinks here and a 30' setback from Alterra North is proposed so air ventilation should not be a problem. DRB cannot mitigate the condition of Alterra North being built 5' from the property line. Applicant has mitigated the massing along the west since EDG more than what was anticipated.*
- Duration of construction is a huge concern.
  - *DPD staff responded: the city requires a construction management plan and he will review the applicant's SEPA environmental checklist.*
- Alterra had to provide a view corridor between Alterra North and South — this project should do the same.
  - *DPD staff clarified to the Board that the separation between Alterra North and South was required as part of the Ward St vacation agreement and not to preserve a view corridor; any existing view is incidental.*
- Concerned with changes to garbage and recycling schedule
  - *DPD staff responded: this is driven by Seattle Public Utilities, not DPD.*

## **ANALYSIS - DESIGN REVIEW**

At the Early Design Guidance meeting held on January 21, 2009 and the Recommendation Meeting held on September 16, 2009; 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-5 Respect for Adjacent Sites** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board felt that the proposed design should respond to the concerns of adjacent residents, particularly the residents to the west of the site.

Special consideration should be given to the design of the west façade of the building in order to meet these guidelines. Items to consider include setting back upper levels to reduce scale, shadowing, window locations, landscaping, location of open space, materials, and architectural treatments.

The proposed development should create an acceptable transition between the project site and the existing residences to the west. The applicant must provide sufficient detail on how the proposed development will work with the existing zoning constraints of this site. The Board requests that the applicant prepare section elevations, to identify how the proposal will work with the existing site conditions and adjacent properties. The applicant shall also refine the provided shadow study to clarify potential impacts posed by this development. The applicant should develop and graphically document the design relationship with adjacent properties.

*At the Recommendation Meeting, the Board acknowledged the modified “4-pod” proposal as an acceptable transition between the project site and the existing residences to the west. 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. The refined shadow study clarified the potential impacts posed by this development.*

*The Board noted that the applicant could have proposed a more oppressive and less respectful scheme. In their opinion the proposed scheme is respectful of the Alterra’s condition along the west façade. They also acknowledged that the applicant has carved away development potential and could have proposed an 85’ high office building, but is instead proposing a residential project more appropriate to the neighboring Alterra.*

<b>B. Height, Bulk and Scale</b>
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**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 Recommendation Meeting the Board felt the proposed rooftop screening is an appropriate response, noting particularly that the mechanical screening on Pod #2 (second from south) has been encapsulated in the smallest possible configuration, and encouraged the developer to select the quietest mechanical equipment possible. Stair termination on roof is a building code issue and cannot be eliminated.*

*The Board felt the scale of the façade at street level along Dexter is appropriate as shown and appreciated the modulation provided in the design and the additional 4'-0" setback along the street.*

*The Board strongly encouraged the approval of departure for the minimum façade height along Dexter to go to 14'-8".*

*The Board was supportive of the width of the courts as proposed and felt the courts are an appropriate response given the architectural context. The Board was also supportive of the glazed corridors at Level 2 that act as transparent bridges.*

## 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 the Recommendation Meeting the Board felt the applicant had adequately considered the neighborhood context for its material palette.*

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

## **D. Pedestrian Environment**

**D-2 Blank Walls** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest

**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 supported the departures to reduce the driveway widths, from 22'-0" to 18'-0" on Aloha and 22'-0" to 20'-6" on Dexter, noting that smaller driveways are better for pedestrian safety. The Board acknowledged that the mirror system works but is not a great solution. However the Board felt the low amount of pedestrian activity along Aloha due to the steep slope of Aloha warrants the approval of departure #2 along Aloha. At Dexter, the Board felt that glazing on both sides of the building with the addition of a traffic safety mirror is acceptable justification for the approval of departure #2.*

**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.

*DPD staff expressed concern with location of a proposed sign above the canopy at the corner of Dexter and Aloha. The applicant clarified that the sign on Aloha needs to be mounted on top to avoid height conflicts. However, the Board felt that the sign 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 Recommendation Meeting the Board encouraged the applicant and the Alterra Condominium to craft an agreement with maintenance and irrigation issues flushed out for the proposed landscape improvements on Alterra's property. The Board cannot require the applicant to provide the landscaping on Alterra's property.*

**DEPARTURES**

DEVELOPMENT STANDARD REQUIREMENT	REQUEST/ PROPOSAL	JUSTIFICATION	ACTION
<p><b>SMC 23.54.030 D.2.A.2</b> The minimum width of driveways for two (2) way traffic shall be twenty-two (22) feet and the maximum width shall be twenty-five (25) feet.</p>	<p>1. At Aloha Street, the driveway for two-way traffic to have a width of 18'-0".</p> <p>2. At Dexter Avenue N, the driveway for two-way traffic has a width of 20'-6".</p>	<p>1. The Aloha Street grade drops steeply across the width of the drive thus making a 22' wide driveway and curb cut unfeasible. The narrower driveway creates a more pedestrian friendly R.O.W. and is only serving 75 cars.</p> <p>2. The project site is 431' along Dexter Avenue N. The applicant has made an effort to provide only 1 curb cut off Dexter to minimize disruptions to bike and pedestrian traffic because Dexter Avenue N is a class 2 pedestrian street.</p>	<p>The Board voted <b>unanimously to recommend approval</b> of all requested departures.</p>
<p><b>SMC 23.54.030 G.1.</b> For two way driveways or easements less than twenty-two feet wide, a sight triangle on both sides of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of ten feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk.</p>	<p>The use of traffic safety mirrors to mitigate the absence of the sight triangle at the Aloha Street driveway and at the Dexter Avenue N driveway.</p>	<p>1. Full compliance with the sight triangle requirements at the Aloha Street driveway would compromise the feasibility of 2 residences at the Aloha Street level and 2 residences above. These residences do more to enliven the facade than a larger entrance to the garage. These spaces might otherwise be filled with storage or mechanical uses.</p> <p>2. The sight triangle to the south on Dexter Avenue N would compromise the structure of the project: currently there is a structural column. The sidewalk on Dexter Avenue N is 17' wide, providing a high level of safety.</p>	<p>The Board voted <b>unanimously to recommend approval</b> of all requested departures.</p>
<p><b>SMC 23.48.014 B.2.</b> On class 2 pedestrian streets, all facades shall have a minimum facade height of 25'.</p>	<p>The applicant is requesting a minimum facade height of 14'-8" along Dexter Avenue N.</p>	<p>The applicant has extended the sidewalk and RO.W. landscaping by setting the retail areas back from the sidewalk by 4'-0". This provides additional space for pedestrian use, breaks up what might otherwise be a 65'-high facade, and responds to the EDG board direction to reduce height, bulk &amp; scale. The total rentable area given over to this setback is 1,159 gsf.</p> <p>The facade height is greater at the lobby and ground-level residences but still less than 25' in order to enhance light, air, &amp; views from the level 2 courtyards to the street.</p>	<p>The Board voted <b>unanimously to recommend approval</b> of all requested departures.</p>

## **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 5, 2009 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 [E](#), 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 topography and the busy arterial of Aurora Avenue N. On-street parking on Dexter Avenue N is currently well utilized, but does not appear to be saturated during daytime hours. For surrounding uses, 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 1,260 truckloads (2,520 trips) to remove the estimated 25,196 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 (ITE) provides data in its Parking Generation report documenting average parking demand for various uses, including apartments. The typical urban apartment complex has a parking demand of 1.0 spaces per unit during the week, and 1.02 on Saturdays. A total of 231 parking spaces are proposed for the project, with 11 of these reserved for retail tenants. Given the proposed 290 residential units, the average number of spaces per unit would be 0.76 if residents are limited to 220 spaces or 0.80 if all 231 spaces are available to the residents.

In denser urban areas such as South Lake Union, auto ownership may be somewhat lower than in other parts of an urban area; therefore, the project's residential parking demand may be slightly less than the ITE rates. However, it is unlikely that all residential parking demand will be accommodated in the 220 spaces reserved for residents. To reduce the likelihood of spillover parking demand, the project will be required to make all on-site parking available to its residents during peak times of residential demand (9 PM to 7 AM). A small amount of spillover parking may remain; it is expected that this can be reasonably accommodate by on-street parking, particularly that located to the south and east of the project site. No further SEPA-based conditioning of parking is warranted based on likely project impacts.

### Traffic and Transportation

Transportation Engineering NorthWest prepared a transportation report dated April 27, 2009 and updated June 16, 2009. This report evaluates existing traffic conditions in the study area, estimates the traffic to be generated by the project (new trips), and evaluates the effects of these trips in the immediate vicinity of the site.

The study estimates the project's new trips and samples existing trips, suggesting numbers that would be expected of a project of this scale.

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, this project will be conditioned to pay its pro-rata share of these capital projects, based on an assignment of forecast project traffic through the South Lake Union area. Based on the anticipated project trip generation and assignment, the project: calculated transportation mitigation payment is \$48,830.00.

DPD concludes that the project's likely impacts on traffic are adequately mitigated as discussed above and conditioned below.

Traffic will increase over existing conditions due to the net increase of 28 PM peak hour vehicle trips on the site. However, it must be acknowledged that the site is presently under-developed. Although neighbors have expressed concern over traffic levels, this development is not anticipated to cause significant adverse impacts in terms of roadway congestion or safety. No SEPA based conditioning of traffic impacts beyond the transportation mitigation payment described above appears warranted.

### 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 7<sup>th</sup> floor “4-pod” proposal steps back approximately 9 to 23' from its west property line, with each pod segment separated by a 36' corridor. Additionally, it provides appropriate fenestration and shifts in finish materials as modulation<sup>4</sup>. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Views

Public comment suggests that the project will affect views. SEPA provides authority to mitigate obstructions of public views from several specified public places, in certain City parks, scenic routes and viewpoints per SMC [25.05.675 P2a](#). The policy specifically addresses “views to Mount Rainer, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal.”

Both Dexter and Aurora Avenues N are classified as scenic routes, and nearby projects may be subject to SEPA review and appropriate mitigation if they adversely affect views to identified amenities. This project would not affect views from Dexter Avenue to Lake Union, as the project is located uphill and does not intervene. The project would not affect views to Lake Union from Aurora Avenue N, as the applicant has effectively demonstrated that no views currently exist from either the street or sidewalks along the site's entire frontage. In this case, the project would partially or completely obstruct views of Lake Union from neighboring private property, where the policy does not provide for mitigation from view impacts. Therefore no mitigation is warranted in this regard.

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<sup>4</sup> See sheet A 1.7 of plan set.

### 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 and Cultural 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](#).

Empirical research also indicates it is improbable that significant archeological resources would be discovered during proposed excavations. However, as the site is close to the original Lake Union shoreline, there is a possibility that unknown resources could be discovered during excavation. Therefore, consistent with DPD Director's Rule [2-98](#) on SEPA Environmental Review and Archaeological Resources, and in order to ensure no adverse impact would occur to an inadvertently discovered archaeological significant resource, DPD conditions the project in accordance with the Director's Rule.

### 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:

### For the Life of the Project

1. Make all on-site parking available to its residents during the peak times of 9 PM to 7 AM.

### Prior to Building Permit Issuance

2. The applicant(s) or responsible party(ies) shall submit to the City of Seattle the *pro rata* share of the anticipated traffic mitigation costs (\$48,830.00).
3. 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.

4. 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](mailto:david.george@seattle.gov) (206) 684-7843 or Jeff Stalter [jeff.stalter@seattle.gov](mailto: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.

5. 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.
6. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall stop work immediately and notify DPD (Colin R. Vasquez, 206-684-5639 or [colin.vasquez@seattle.gov](mailto:colin.vasquez@seattle.gov) ) and the Washington State Archaeologist at the State [Department of Archeology and Historic Preservation](#), Robert Whitlam, (360) 586-3065, or the current person in the position. The procedures outlined in Appendix A of Director's Rule [2-98](#) for Assessment and/or protection of potentially significant archeological resources shall be followed. The applicant(s) and/or responsible party(ies) shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters [27.34](#), [27.53](#), [27.44](#) RCW and Chapter [25.48](#) WAC, as applicable.

### **CONDITIONS – DESIGN REVIEW**

The owner applicant/responsible party shall:

#### *For the Life of the Project*

7. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on Sept 16, 2009, 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 by Vincent T. Lyons, Architect & Design Review Manager, 206-233-3823 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*

8. 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.
9. 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. As 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.

