



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. Sugimura, Director

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

Application Number: 3010551
Applicant: George Schweikart, Kilburn Architects
Address of Proposals: 101 John Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new 6-story structure containing 20 residential units above 2,232 sq. ft. of retail. Existing 5-story multi family structure to remain (Fiona Apartments). All other existing structures to be demolished. No proposed parking. Project includes 250 cu. yds. for grading.

The following approvals are required:

Design Review (SMC 23.41)

Development Standard Departure to allow less than the required landscaping requirement (SMC 23.47A.016)

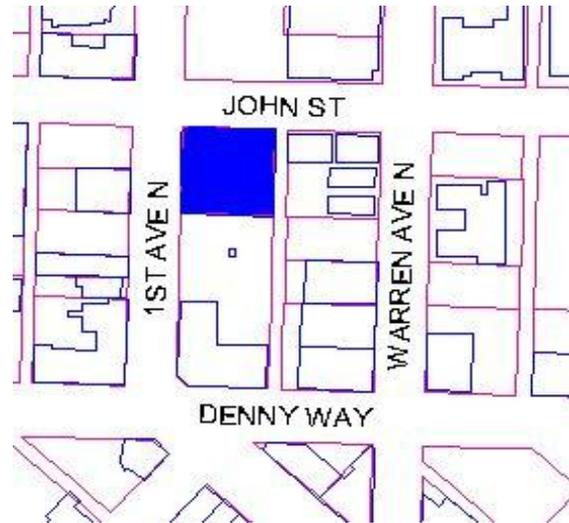
Development Standard Departure to allow wider bay window projections into the right-of-way (SMC 23.47A.035 A4)

SEPA-Environmental Determination (SMC 25.05)

SEPA Determination: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

Site Description:

The subject site is located at the northeast corner of 1st Avenue N and John Street. The site contains three single story commercial buildings and one five-story apartment building, the Fionia Apartment Building. East of The Fionia Apartment Building located on the subject site is an alley with two to four story apartment buildings. To the north is a surface parking lot and to the south is a surface parking lot with a two story commercial building beyond. Across 1st Ave North are several one to four story commercial, office and restaurant uses. The site is zoned Neighborhood Commercial (NC3-65), as are the properties to the north, south, east and west.



The site is also located within the Uptown Urban Center.

ECAs:

No Environmentally Critical Areas have been identified on site.

Access:

Vehicular access is available from an improved 16 foot alley along the east property line, 1st Avenue S and John Street.

Surrounding Development and Neighborhood Character:

The neighborhood consists of a variety of structure sizes and uses ranging from one to five stories with residential, office and commercial uses. The Seattle Center campus and its ancillary buildings and parking lots have a strong presence in the Uptown neighborhood. The main north-south arterials are typically bound with commercial uses, while the multifamily residential uses are more often located at least a half block off of the commercial streets.

The area includes sidewalk, curb, and gutter, and appears to have a high level of pedestrian activity. The area is well served by transit and is developed with mostly higher density multi-family residential structures.

EARLY DESIGN GUIDANCE MEETING: March 16, 2011.

DESIGN PRESENTATION

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number(s) (3010551) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

The EDG packet is also available to view in the 3010551 file, by contacting the Public Resource Center at DPD:

Mailing Address: Public Resource Center
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

One member of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Preferred the first scheme with the squared projecting bay windows. Suggested that the blank wall (east wall of the proposed building) use color, green screen or mural of some sort to provide visual interest for the Fionia residents. Would like to see decorative gate included at the entryway to the interior courtyard space. Concerned that there not be views between private residential units. Reminder that the street level design of the commercial space is critical.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website. The Uptown Neighborhood Design Guidelines identify the area where the subject site is located as an Uptown Urban Character Area.

EARLY DESIGN GUIDANCE (MARCH 16, 2011):

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

Uptown Supplemental Guidance:

Throughout Uptown, major entrances to developments should be prominent. The use of distinctive designs with historical references is strongly encouraged. Design, detailing, materials and landscaping may all be employed to this end. Building addresses and names (if applicable) should be located at entrances, tastefully crafted. Streets throughout Uptown should be sociable places that offer a sense of security, and residential building projects should make a positive contribution to life on the street.

At the Early Design Guidance Meeting, the Board supported the location of the residential entrance on John Street, further reinforcing the more residential character of

this street and focusing the commercial activity and frontage on to 1st Avenue North. The Board also discussed at length the proposed courtyard and the emphasized that the entrance to the courtyard from the sidewalk should be welcoming and allow views through to the courtyard from the sidewalk. A decorative gate that is designed as a special, unique feature is recommended. The Board was also very supportive of situating the lobby at the corner of the northwest corner courtyard.

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

**Uptown Supplemental Guidance:
Throughout Uptown encourage outdoor dining**

At the Early Design Guidance Meeting, the Board discussed the importance of designing a street level commercial space which allows the commercial activity to spill out into the street. The Board encouraged the use of roll up doors or window systems that open up to the street and engages with the sidewalk environment. The Board noted, however, that such activity does not need to wrap around onto John Street given the quieter, more residential nature of John Street. The commercial activity should be focused along First Avenue North, which has a stronger, more urban character.

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 noted that although the Fionia is located on the same (not adjacent) site as the proposed building, the intent of this guideline applies. Sensitivity to the privacy and views from the existing residential units is critical and should inform the design of the east elevation and interior courtyard.

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

At the Early Design Guidance Meeting, the Board was pleased with the proposed courtyard space, but warned that the design of this space should consider the lack of solar exposure. It is likely that an interesting hardscape design, rather than a heavily landscaped design would make sense given this condition. Interesting paving, furniture and exterior lighting (under lit benches, catenary lighting, etc) that highlights the hardscape elements and add light and life to the courtyard are strongly encouraged.

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

**Uptown Supplemental Guidance:
Generally, buildings within Uptown should meet the corner and not be set back. Building designs and treatments as well as any open space areas should address the corner and promote activity. Corner entrances are strongly encouraged, where feasible. Corner lots are often desirable locations for small publicly-accessible**

plazas, turrets, clock towers, art, and other special features. Design corner retail entries to not disrupt access to residential uses above.

At the Early Design Guidance Meeting, the Board clearly recognized the importance of the corner location of the subject site and agreed that the treatment of the corner in all of the alternatives was an appropriate approach. All of the schemes included a solid corner piece for the entire height of the structure. The Board did note, however, that in the abutting Fionia building, the punched residential windows extend down to the ground level and this may inform the design of the north façade of the proposed building. The Board suggested that the fenestration at ground level may differ on the two building fronts at ground level to respond to the different character of the two streets.

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.

Uptown Supplemental Guidance:

The Uptown Urban character area embraces high quality urban infill, and responds to special relationships with nearby civic institutions. The following features are encouraged:

- **Consistent street wall;**
- **Engaging the sidewalk / storefront transparency;**
- **Building siting that responds to Seattle Center entry points;**
- **Defined cornices;**
- **High quality, durable materials;**
- **Distinct residential and commercial components; and**

Throughout Uptown, upper level balconies are discouraged on the street side of residential buildings. Bay windows are a preferred architectural element on the street side. This guideline is intended to avoid open displays of storage, which are sometimes an unintended consequence of street side balconies.

At the Early Design Guidance Meeting, the Board was supportive of the glassy, light bay windows proposed in the preferred scheme. The Board offered several suggestions about how the first and third design concept alternatives might be melded together to create a more contemporary design that is more responsive to the precedent of the Fionia Apartment building – See C-2 below. The Board was supportive of a strong commercial base that engages with the street and the residential levels above responding more to the residential Fionia building.

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

At the Early Design Guidance Meeting, the Board liked the third option with the more modern, contemporary massing that is broken up and would like to see the proportions of the third option inform the preferred option.

The Board noted that the preferred scheme should endeavor to break up the verticality of the building with a different treatment of the top level. The Board was very interested in how the more modern scheme (option 3) could inform the preferred scheme (option 1) in the following ways:

- Include a clear, distinguished top that responds to the datum line of the Fionia Apartment building. This may be in the form of a setback or a change in materials.
- Design a clear, gracious entrance on First Avenue for the commercial uses.
- Develop a dynamic street level design with large, transparent storefront windows that are operable.
- Breaking up the façade with modern bays that emphasize the sleekness of the building and allow the sense of light and activity of those units to be visible to the street.
- Endeavor to retain the massing of Option 3 with the double height windows that express a loft-like feel.

See also B-1.

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.

Uptown Supplemental Guidance:

Throughout Uptown, decorative exterior treatments using brick, tile, and/or other interesting exterior finish materials are strongly preferred. Quality exterior finish materials should be incorporated at all levels and on all exterior walls. Use materials, colors, and details to unify a building's appearance; buildings and structures should be built of compatible materials on all sides.

At the Early Design Guidance Meeting, the Board noted that it will look forward to reviewing a detailed color and material palette with durable and high quality materials responsive and sensitive to the Fionia.

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.

Uptown Supplemental Guidance:

Throughout Uptown, entries should be designed to be pedestrian friendly (via position, scale, architectural detailing, and materials) and should be clearly discernible to the pedestrian. Individual or unit entrances in buildings that are accessed from the sidewalk or other public spaces should consider appropriate designs for defensible space as well as safety features (e.g., decorative fencing and gating). Landscaping should be consistent with these features.

Throughout Uptown special attention to the pedestrian experience and street right-of-way should be given along pedestrian corridors as identified on the map (pg. VI).

... In addition, streetscape features such as street clocks and benches are encouraged in Heart of Uptown and Uptown Urban character areas.

Supplemental guidance related to Pedestrian Open Spaces and Entrances is provided under Guideline A2 – Streetscape Compatibility.

At the Early Design Guidance Meeting, the Board specified that the gated entry to the interior courtyard and new residential lobby entrance should be designed to be a gracious and special space that will be visible to pedestrians.

- 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.**

Uptown Supplemental Guidance:

In the Uptown Urban and Heart of Uptown character areas artwork and decorative surfacing may provide an alternative wall treatment to landscaping in some locations. However, painted murals are the least preferred solution to larger wall areas in Uptown.

At the Early Design Guidance Meeting, the Board discussed the design of the east elevation at great length and felt strongly that this wall be as sensitively designed as possible. The Board adamantly agreed that the elevation include some areas of transparency (preferably glazing, provided that the Building Code permit) that provide light into the courtyard at night and help break up the massing of the facade in an interesting manner. While views to and from the new building (stairwells) into the courtyard would be desirable, the provision of glass block or peek-a-boo slits with obscured glass that would allow light to filter through would be sufficient to help break up the mass of the east elevation. Other lighting sources or integrated fixtures may also help provide visual interest to this façade. Where there are walls perpendicular to the Fiona Apartments, the Board encouraged the use of expansive glazing in these spaces.

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

The Board noted that at the next meeting, it will be interested in reviewing the location and function of service areas.

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

As noted earlier, the Board encouraged clear views between the sidewalk, the gate entrance, the residential lobby and the courtyard both for visual interest and security. A lighting plan should be presented at the next meeting.

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 Early Design Guidance Meeting, the Board requested a signage concept plan.

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

See D-7.

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

At the Early Design Guidance Meeting, the Board supported the extensive transparent glass storefront windows proposed along First Avenue North.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

Uptown Supplemental Guidance:

Throughout Uptown...landscaping should be substantial and include a variety of textures and colors, to the extent possible. Landscaping should be used to enhance each site, including buildings, setbacks, entrances, open space areas, and to screen parking and other less visually attractive areas. Encourage planted containers at building entries.

At the Early Design Guidance Meeting, the Board discussed the viability of landscaping in the courtyard and wants to ensure that any proposed landscaping is appropriate for the limited solar access. Where possible, however, the Board would like to see landscaping and green walls incorporated into the courtyard and residential entryway. The hardscape design of the courtyard is critical and should strive to be both usable and aesthetically pleasing as it will be highly visible to the Fionia residents.

RECOMMENDATION MEETING: MAY 7, 2014

The packet includes materials presented at the Recommendation meeting, and is available online by entering the project number (3010551) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

or contacting the Public Resource Center at DPD:

Address: Public Resource Center
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT

There were no members of the public in attendance at the Recommendation meeting held on May 7, 2014.

PRIORITIES & BOARD RECOMMENDATIONS

At the Recommendation meeting, the Board discussed the response to EDG and offered the following recommendations for the proposal to meet the applicable Design Review Guidelines identified at the EDG meeting.

1. **Massing.** The Board agreed the proposed massing is responsive to EDG guidance. The Board felt additional detailing would further the design.
 - a) The Board recommended a condition to lower the parapet height to the minimum necessary, and locate a safety railing around the roof deck, to minimize the height of the structure and stair penthouse (B-1).
 - b) The Board recommended a condition to locate a window on the south elevation of level 6. The Board noted the window should express the 6th level as a residential unit and architecturally integrate the 6th floor with the lower levels (B-1, C-2).
 - c) The Board recommended a condition to remove the wire screens, and provide either a green wall or brick modulation, along the east façade facing the courtyard. The wall treatment must be designed to provide year round visual interest (B-1).
2. **Ground Level Treatment.** The Board felt minor modifications to the ground level treatment would enhance the site design.
 - a) The Board recommended a condition to provide a canopy at the primary courtyard residential entrance. The Board conditioned that the canopy should be designed with a form and clean lines consistent with the remainder of building vocabulary (C-2, D-1).
 - b) The Board recommended a condition to provide seating within the lower courtyard space to provide a destination for residents (D-1).
 - c) The Board recommended a condition to revise the entry gate to be more prominent, celebrated and consistent with neighborhood context. The Board conditioned the entry gate should be three dimensional, read as residential, and resolve the security issues within the design (C-1, D-1).

- d) The Board recommended a condition to work with SDOT on the following right-of-way design considerations:
- Provide pedestrian scaled street lamps consistent with Uptown Design Review Guideline PL2-2iv.
 - Incorporate additional bike parking for visitors on 1st Ave.
 - Provide substantial landscaping in the planting strip in front of the Fiona.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures is based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

- 1. Green Factor (SMC 23.47A.016):** The Code requires that a Green Factor of .30 for the entire site. The applicant proposes to only meet the Green Factor calculation based on consideration of only the proposed building (not including the existing Fiona).

The Board unanimously approved the requested green factor departure request provided ground level landscaping is provided within the right-of-way was provided in front of the existing Fiona Building. The landscaping must be of consistent quality as the remainder of the landscaping provided on John Street. The Board felt the additional landscaping in front of the existing building creates a quality streetscape environment that better meets the intent of E-2 Landscaping to Enhance the Building and/or Site. All provided landscaping is provided at grade or on the building walls providing an amenity for residents and the general public. Any remaining departure request after the additional landscaping was unanimously approved.

- 2. Structural Building Overhang (SMC 23.53.035.A4):** The Code requires a maximum of 12 foot long structural building overhangs. The applicant proposes 15-foot long structural building overhangs.

The Board unanimously approved the departure request for the wider bays. The Board agreed the bays provide a better architectural expression of the living/active areas of the units that help engage the interior uses of the building with the street life. Furthermore, the nature of the projections literally extends the life and activities of the building residents into the streetscape, thereby activating and enlivening both the building and the streetscape. Finally the bays are consistent with the overall architectural concept of a more modern interpretation of a classic building design consistent with Design Review Guideline C-1 Architectural Context and C-2 Architectural Concept and Consistency.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated May 7, 2014, and the materials shown and verbally described by the applicant at the May 7, 2014, Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the

materials, the four Design Review Board members recommended APPROVAL of the subject design. The Board recommends approval with the following conditions:

Condition:

1. Lower the parapet height to the minimum necessary, and locate a safety railing around the roof deck, to minimize the height of the structure and stair penthouse (B-1).

The applicant responded with a memo on 8/25/14, noting, "The roof parapet has been lowered from 42" to 18" high. A railing has been incorporated around the roof deck for resident safety. See sheets A-1.5, A-2.1, A-3.1, and A3.2." The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

2. Add a window on the south elevation of level 6. The Board noted the window should express the 6th level as a residential unit and architecturally integrate the 6th floor with the lower levels (B-1, C-2).

The applicant responded with a memo on 8/25/14, noting, "A window has been added to the south elevation of level 6. See sheets A-1.5 and A 2.2." The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

3. Remove the wire screens, and provide either a green wall or brick modulation, along the east façade facing the courtyard. The wall treatment must be designed to provide year round visual interest (B-1).

The applicant responded with a memo on 8/25/14, noting, "The green wall has been modified and extended. The unplanted screens that resembled windows have been omitted and are now voids within the larger green screen. We believe that the screen pattern and planting, which now extends beyond the front gate, will create year-round visual interest and is an improvement over what was shown previously. See sheet L102, L106, A-2.2, A-2.2.1, and A-3.1." The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

In order to achieve a successful green wall as shown in the Design Recommendation packet, the construction permit drawings shall show installation of mature plants in the landscaping along the east façade at the courtyard, as conditioned below.

4. Provide a canopy at the primary courtyard residential entrance. The canopy must be designed with a form and clean lines consistent with the remainder of building vocabulary (C-2, D-1).

The applicant responded with a memo on 8/25/14, noting, “Unfortunately, because the building directly abuts the imaginary property line, a canopy cannot be added at the residential entry because it would project over this line. Per 705.3, *“for purposes of determining the required wall and opening protection, projections and roof-covering requirements, building on the same lot shall be assumed to have an imaginary property line between them.”* The shed roof that previously covered the vestibule has been changed to a flat roof with a parapet. We believe that this rectilinear roof is more in keeping with the general massing of the building. Additional, we think the vestibule will function similarly to an entry canopy in that it provides protection as one enters or calls into the building. See sheets A-1.2, A2.1, and A2.2.” The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

5. Provide seating within the lower courtyard space to provide a destination for residents (D-1).

The applicant responded with a memo on 8/25/14, noting, “The lower courtyard has been redesigned to accommodate seating as well as provide access to the Fionia Apartments’ basement. See sheets L101, L102, L106, and A-10.” The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

6. Revise the entry gate to be more prominent, celebrated and consistent with neighborhood context. The entry gate should be three dimensional, read as residential, and resolve the security issues within the design (C-1, D-1).

The applicant responded with a memo on 8/25/14, noting, “The entry gate has been revised to an arched design that echoes and celebrates some of the arched neighborhood entries including the Fionia and the nearby Pittsburgh Apartments (125 Warren Street N). The fence adjacent to the gate includes a vegetative motif that resonances with the upper courtyard plantings. See elevation 3 on sheet A-2.2, and sheets L102, A-1.0, and A-2.2.1.” The response satisfies the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

7. Work with SDOT on the following right-of-way design considerations:
 - Provide pedestrian scaled street lamps consistent with Uptown Design Review Guideline PL2-2iv.
 - Incorporate additional bike parking for visitors on 1st Ave.
 - Provide substantial landscaping in the planting strip in front of the Fiona.

The applicant responded with a memo on 8/25/14, noting, “Kilburn Architects has been in contact with Luke Korpi, Supervising City Engineer at SDOT, We have selected a

fixture and proposed 4 locations for new pedestrian scaled streetlights. We will continue to work with SDOT through this process. See sheets L101 and A-5.1 through A-5.3.”

“Per our discussion with Brian Dougherty, Senior Transportation Planner at SDOT, the owner will purchase a 6-bicycle on-street corral per SDOT specifications. Upon project completion, the owner will then donate it to the city, which will assume ownership and maintenance. Brian related that is would avoid any yearly street use permits. We will continue to work with SODT through this process. See sheets C2.0, L101, L102, and A-1.0.”

“The planting strip along John Street has been extended to the area in front of the Fionia. The Fionia Apartments’ concrete sidewalk will now be fully planted and include a tree. Please note that there is an existing utility manhole that prevents the planter from fully extending in front of the Fionia. However, this does provide direct to the street from the front door, which likely would have been included in the design anyway. See sheets C1.0 through C3.0, L101, L102, L106 and A-1.0.”

The responses satisfy the recommended condition for the MUP decision. This item shall be shown on the construction plans, and the installation of this item will be confirmed by the Land Use Planner prior to the final Certificate of Occupancy for the new construction, as conditioned below.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

SEPA ANALYSIS

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)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 1, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may 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) 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short and long term impacts is found below.

PUBLIC COMMENT:

The public comment period ended on November 6, 2013. Multiple comment letters were received.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Noise – The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment. Properties located to the north and east of the site include residential units and will be impacted by construction noise. The impacts including duration of construction noise in this area, and amount of noise-generating grading and construction activity warrant additional mitigation to reduce the impacts of construction noise on nearby residents.

To mitigate construction noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan with a noise mitigation element, which has been reviewed and approved by DPD. No further mitigation is warranted for construction noise impacts.

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 due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Drainage Code which requires on site detention of Stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code and Design Review process which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts, although some impacts warrant further discussion.

Greenhouse Gas Emissions - Operational activities, primarily vehicular trips associated with the project and the projects' 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Parking & Traffic - The project's parking consultant, Northshore Traffic Consultants, conducted a parking utilization study to document existing on-street utilization rates within 800' of the project site. The study identified a total on-street supply of 238 spaces. Evening counts on two weekday evenings identified an average of 187 vehicles parked in these spaces; therefore, about 79% of the on-street spaces near the project site currently are occupied.

The project is not providing any parking spaces, and is expected to generate parking demand. This project consists of ground level retail spaces, one and two bedroom apartment units, and is located in a neighborhood with frequent transit service and a variety of commercial uses. The future parking demand of the proposed development is estimated conservatively by assuming a single vehicle for each proposed multifamily unit, which would total 20 spaces. Additionally for the 2,900 square feet of commercial space, an estimate of approximately 30 spaces based on the near peak restaurant use, would increase the total demand to approximately 50 spaces near peak conditions.

SMC 25.05.675 M notes that there is no SEPA authority provided for mitigation of parking impacts in the Uptown Urban Center. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this project.

DPD's Transportation Planner has reviewed the project proposal and determined that no further mitigation is warranted under SEPA.

Height, Bulk & Scale - The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, “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 is presumed to comply with the 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 that have undergone design review shall comply with the design guidelines applicable to the project.”

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Historic Resources - The proposed development includes retention of the existing Fiona Apartments structure on the site. The applicant nominated the existing structure for a historic landmark. Department of Neighborhoods denied the nomination on November 5, 2014 (LPB 649/14).

The other existing structures on site are more than 50 years old. The Department of Neighborhoods reviewed the proposal for potential impacts to historic resources, and indicated that the existing structures on site are unlikely to qualify for historic landmark status (LPB 197/14).

Therefore, no mitigation is warranted for historic preservation.

Summary

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

DECISION – SEPA

This decision was made after review by the responsible official on behalf of 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #2, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include the specific mitigation, and may include additional proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

During Construction

2. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of a Construction Permit

3. The construction permit drawings shall show installation of mature plants in the landscaping along the east façade at the courtyard, as shown in the Design Recommendation packet.

Prior to Certificate of Occupancy

4. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Lindsay King 206-684-9218 or lindsay.king@seattle.gov).

5. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Lindsay King 206-684-9218 or lindsay.king@seattle.gov).

For the Life of the Project

6. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Lindsay King 206-684-9218 or lindsay.king@seattle.gov).

Signature: _____ (signature on file) Date: December 1, 2014
Lindsay King, Senior Planner
Department of Planning and Development

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

LK:bg

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