City of Seattle

Department of Planning & Development
Diane M. Sugimura, Director

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

Application Number:	3012732
Applicant Name:	Brad Hinthorn, Perkins + Will, Architects, for Washington Real Estate Holdings, LLC
Address of Proposal:	1818 Fairview Av E

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development application to allow a four-story structure containing 216,477 sq. ft of research laboratory and 3,000 sq. ft. of ground-level retail in an environmentally critical area. Project includes below-grade parking for 266 vehicles. Project also includes 74,705 cu. yds. of grading.

The following Master Use Permit components are required:

Shoreline Substantial Development – Seattle Municipal Code Section 23.60,730A.2.a (10), to allow a research and development laboratory on a upland lot within the Urban Marine (UM) environment

Design Review - Seattle Municipal Code Section 23.41 with Development Standard Departures

SEPA Environmental Review - Seattle Municipal Code Section 25.05

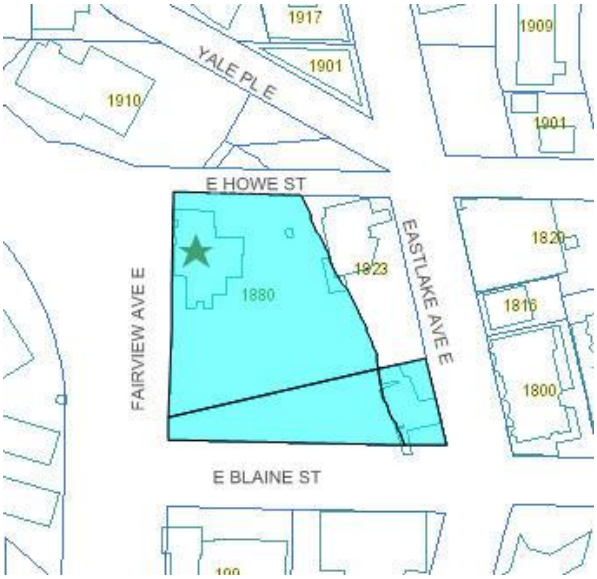
SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS [ ]

[X] DNS with conditions

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

SITE AND VICINITY

The irregularly-shaped project site is bounded on the west by the Fairview Avenue E. right-of-way, and on the east by an occupied lot and parking lot under other ownership and by Eastlake Avenue E. The north property line abuts the right-of-way of unopened E. Howe Street, while the south property line faces E. Blaine Street. The irregular shore line of Lake Union and the former NOAA



site lies within 100 feet of a portion of the western property line. Interstate 5 is situated less than two blocks to the east. The site is zoned C1-40, Commercial 1 with a forty foot height limit. A portion of the site lies within an Urban Marine (UM) shoreline district. The site lies within the Eastlake Residential Urban Village.

Immediately south of the project site, across E. Blaine Street, is a recently constructed five-story research and development laboratory, the Gilead Sciences Building. The immediate vicinity is best described as transitional, with a development of a mix in uses and scale. Development is currently proposed for the northeast parcel that completes the block, a former restaurant and surface parking site that will be replaced by a mixed-use development with residential units above street-level retail/commercial spaces. The large site abandoned by the National Oceanic and Atmospheric Agency (NOAA) is located due west of the subject site across Fairview Avenue E. It is privately owned and is ripe for redevelopment. Several larger buildings have been developed along Eastlake Avenue E. in recent years. Uses include banks, offices, media, research labs, restaurants and apartments. North of the site, a long block away across E. Newton Street, there is a sizeable and long established house boat and live aboard community.

East of the site is the E. Howe Street Hillclimb, at 388 steps it is said to be the longest urban stairway in Seattle and provides pedestrian passage under Interstate 5 through Colonade Park to Capital Hill. As part of the project proposal a pedestrian stair and pathway, extending the hill climb, will be provided next to the proposed structure within the unopened and undeveloped E. Howe Street right-of-way.

PROPOSAL

The proposal is to construct a four-story laboratory and office building, with two levels of below grade parking for approximately 266 vehicles, accessed from Fairview Avenue E. at the northwest edge of the property. The building would include 338, 277 square feet of laboratory and office space and a café/retail space at the corner of Eastlake Avenue E. and E. Blaine Street.

PUBLIC COMMENTS

Several comments were received during the public comment period than ran from July 12 until August 10, 2012. The majority of the comments were related to the impact of the project on the availability of on-street parking; a smaller number of comments were concerned with providing pedestrian passage within the unopened E. Howe Street right-of-way. Comments were also received during the two design review public meetings and are mentioned as relevant in the discussion of those meetings below.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030A of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

1. *The policies and procedures of Chapter 90.58 RCW;*
2. *The regulations of this Chapter; and*
3. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements to the site at 1818 Fairview Avenue E. would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for economic development and employment within an urban environment zoned for such development and otherwise compatible with it. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to act primarily in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development action occurs on land classified as an upland lot (SMC 23.60.924 "L") and is located within an Urban Marine (UM) shoreline environment. The proposed use is permitted outright on an upland lot in the UM UI shoreline environment (SMC 23.60.730 A.2.a. (10).

SMC 23.60.004 - Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The goals and policies support the development of a research laboratory at this site, an upland lot with only a small portion of the lot at the southeast corner actually contained within the UM shoreline district. Land Use Policy 135 is to "accommodate in general commercial zones the broadest range of commercial activities allowed in commercial areas." Land Use Goal 40 encourages "the integration and location of compatible uses within segments of the shoreline," while Land Use Goal 41 sets forth the intention to "locate all non-water-dependent uses upland to optimize shoreline use and access."

The purpose of the Urban Marine (UM) environment as set forth in Section 23.60.220 C9 is "to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets." The proposed development of a building designed for research laboratory spaces is a use allowed outright on an upland lot in the UM environment. The development would be located across a wide expanse of Fairview Avenue E. right-of–way that separates the site from a wide expanse of shore land (the non water portion of the abandoned NOAA base) and the actual shoreline of Lake Union. Development on the upland lot would in no way prevent or minimize future properly water-dependent uses along the shoreline itself, thus supportive of both the purpose of the UM shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

SMC 23.60.152 - Development Standards for all Shoreline Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as…fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels….

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed, having gone through design review process, zoning and environmental reviews, and as conditioned (see below), the project complies with the above shoreline development standards.

There will be ground disturbance of the existing soils on the subject site in order to construct the intended structure. In all, nearly 75,000 cubic yards of grading is anticipated. Most of the excavated soils will be trucked and permanently removed from the site. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort; DPD developed a Director's Rule 2009-15, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the proximity to the waters of Lake Union and the proposed work associated with excavation and construction of the structure, the potential exists for impacts to adjacent waters during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures. As conditioned, the short-term construction related activities should have minimal effects on the water quality of the nearby lake or on migratory fish routes.

SMC 23.60.730 – Permitted Uses on upland lots in the UM Environment

"Research and development laboratories" is a permitted use allowed outright on upland lots in the UM Environment, per (SMC 23.60.730 A.2.a (10).

SMC 23.60.750 – Development standards for the UM Environment

The proposal is subject to the development standards for the UM environment. Structures are allowed to occupy 100 percent of an upland lot in the UM Environment. No view corridors are required on upland lots in the UM Environment. No public access is required on upland lots in the UM Environment. DPD has determined that the proposal comports with all development standards for the UM Environment.

Chapter WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, the criteria and procedures of SMC Chapter 23.60 are consistent with WAC 173-27 and RCW 90.58.

SMC 23.60.752 – Height in the UM Environment

The maximum height in the UM Environment is 35 feet. That portion of the structure within the UM Environment is limited to 35 feet in height and the height of rooftop features is as regulated by SMC 23.60.752 D.1-3. Portions of the structure outside the UM Environment are regulated by the C1-40' zoning designation and the tallest portion of the structure will be built to the 40-foot height limit as allowed by the Seattle Municipal Code. While there could be some impacts on landwards views from buildings across Fairview Avenue E. located to the west, there are no protected views at issue and there is little or no view impact from residences located to the east of the project. No view corridors are required for development on upland lots in the UM

Shoreline Environment.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is GRANTED.

ANALYSIS - DESIGN REVIEW

Design Review Board Design Guidance

At the Early Design Guidance meeting, held before the Design Review Board for the East District, on December 14, 2011, three design alternatives were presented by the applicants for a 4-story office/lab building. The first was an "L"-shaped structure, hinged at the southwest corner of the site. The second alternative was described as an "L"-shaped scheme "plus," a shape that filled in angular portion of the site that faces onto Eastlake Avenue E. A third and preferred scheme took the "L-plus" and removed a wedge, the broad edge of which was located along E. Blaine Street, providing for a central, enclosed atrium. The southwest portion of the structure stepped down to a single story and provided the main lobby for the office/lab space and allowed for roof deck and amenity area above. This scheme the Board found the most intriguing architecturally, especially since the atrium offered opportunities to integrate the internal spaces of the building while relating more sensitively to the existing urban context,

After soliciting comments from the public, which included concerns about the safety of pedestrians using E. Blaine Street, the loss of parking within the Fairview Avenue E. right-of-way, truck maneuvering impacts, and the "fit" into the existing neighborhood character, the Board identified the following Citywide Design Review Guidelines for Multifamily and Commercial Buildings as guidance of highest priority for the project: A-1 Responding to Site Characteristics, A-2 Streetscape Compatibility, A-3 Entrances Visible from the Street, B-1 Height, Bulk and Scale Compatibility, C-2 Architectural Concept and Consistency, C-3 Human Scale, C-4 Exterior Finish materials, D-2 Blank Walls, D-3 Retaining Walls, and D-6 Screening of Dumpsters, Utilities, and Service Areas, D-11 Commercial Transparency, and E-3 Landscape Design to Address Special Site Conditions.

There were no requests for Design Departures from the applicant team at the EDG meeting.

At this first meeting, the Board identified three main issues that needed to be satisfactorily addressed for a successful design:

- Engage the lake with the Fairview Facade;
- Allow the atrium to energize more of the structure, including the western side;
- Do not allow the "diagram" of the preferred scheme, with its central, energizing atrium feature, to get lost in the massing and architectural expression at the perimeter of the building.

In particular, the Board noted that the Fairview Avenue side was too blank, too monolithic and that in order to compensate for the small frontage on Eastlake Avenue, the southeast corner of the structure needed to make a strong statement there.

After deliberating, the Board recommended that the applicant proceed to further design development with the Board's guidance in mind, and to Master Use Permit application

Design Review Board Recommendation Meeting

At a Design Review Recommendation Meeting on September 5, 2012, developments in the design since the EDG meeting were briefly presented to the Board. The façade treatments of the upper two stories opened the building to substantial views of Lake Union. The expansive glazing on these upper floors were composed both to provide shade and orient views from the building. A significant step had been taken to allow the atrium feature to energize the entire structure, as the Board had advised at the EDG meeting. The glazing of the atrium had been allowed to extend all the way to the sidewalk pedestrian level and to appear to protrude from the rest of the structure. The lobby had been relocated from the southeast corner to the atrium, strengthening its importance and allowing it to become vibrant active space.

A major change from the earlier presentation of the building was the relocation of the garage and loading entries from E. Blaine Street to the northwest corner of the site. Accompanying that move is the relocation of all service elements to the perimeter of the site, allowing a design that embraces the atrium as the heart of the building. The proposed scheme still allows the structure to engage Eastlake Avenue E. at its southeast corner, the intersection of E. Blaine Street and Eastlake Avenue E., where retail space is proposed

The landscape architect for the design team then provided details for a variety of streetscape and pedestrian pathway amenities calculated to generate a friendly and lively environment at the perimeter of the site.

The landscaping plan, it was explained, in response to Guideline E-3, "landscape design to address special site conditions," was premised conceptually on an idealized or "abstracted" pre-development condition at the site. The choice of plant materials and earth forms along E. Blaine Street, including swales for stormwater capture, would convey an "abstracted wetlands"; that along Fairview Avenue E. would convey a sense of an "abstracted bluff meadow," with feather grasses and stands of white Himalayan birch trees; the higher land along Eastlake Avenue E. would convey an "abstracted bluff forest," with both "trees and an understory of ferns." Actual architectural material samples, including glass, internal wood materials, cladding materials and materials for external shades were distributed and examined by Board members (see p.17, packet distributed for Board members, for representations of building materials.

Public Comment

Following the architect's presentation and clarifying questions from the Board, comments were then elicited from members of the public attending the meeting. Among the comments from the seven members of the public who had signed in were the following remarks:

- Existing parking in the Fairview Avenue E. and E. Blaine St. rights-of-way would be adversely affected by the proposed development on the site and competition for available parking spaces already acute in the area.
- The Board was asked to encourage the E. Howe pedestrian connection and to pay close attention to the north façade of the proposed building as it would interface with that pedestrian pathway.

The Board chair, while acknowledging the Board's sensitivity to the disruption and impacts to parking conditions and the desirability of pedestrian improvements within the E. Howe right-of-way, clarified for the public its own role in the recommendation of the building on-site, and the fact that right-of-way changes and improvements were beyond its purview and mission.

Board's Deliberations:

The Board indicated their general satisfaction and pleasure with the moves taken by the design team to address issues they had identified at the EDG meeting. Specific elements of the resulting design were then referenced in the discussion regarding the recommendation of requested departures from development standards for the project.

Design Departures

Although no departures were identified or requested at the EDG meeting, four departures from development standards were identified by the design team, three having to do with blank portions and transparency of facades. (*Further zoning review has determined that blank façade and transparency requirements are not applicable to this site. The single remaining applicable departure was a request to allow a floor- to- floor height of 17 feet in the trash loading area.*

Regarding this departure request, the Board members acknowledge their satisfaction with the design team's removal of any loading off E. Blaine Street, as the Board had requested at the EDG meeting. Having but a single garage entry as now proposed and locating the garbage/trash storage totally within the structure were acknowledged as the right moves and in keeping with Guideline C-2, providing for a much more unified building and a cohesive design.

And in fact, as the Board had requested at the EDG meeting, the lower level of the Fairview Avenue E. had been opened up more to Lake Union, in concert with Guideline D-2 which called for exploring a variety of treatments of the street-level façade and landscaping along Fairview Avenue E. so that the façade would not be without character, or pedestrian amenities or interest.

What remained of a solid wall along Fairview Avenue E. screened a partially below grade area for loading and parking within the building; it was set well back from the curb line and amply landscaped. The improved design would allow for essential internal functions to be facilitated while allowing for even greater openness to the Lake at the upper levels, and provide for clarity of architectural concept and cohesive design as the Board had directed at the EDG meeting. The Board urged the applicants to continue to explore ways to make the façade facing undeveloped E. Howe Street to be as transparent as possible, given constraints of the site, so that this edge of the building might be genuinely pedestrian friendly at such a time in the future when a fully developed stair and connecting pathway might be developed there as expressly hoped for by some members of the public.

At the time of the Early Design Guidance meeting there was some discussion regarding a decision already made by Seattle Public Utilities to locate a standby generator for pumps related to the overflow sewer system in E. Blaine Street. The generator had been designed to rest above ground in the right-of-way just north of the curb on Blaine, without regard for any development to occur on the subject site. The applicants noted that they had been unsuccessful in requests to underground the generator or to move it to accommodate the design of the proposed structure.

The Board noted that while they appreciated the need for the facility, SPU plans for the location of the generator were misfortunate from an urban design perspective. Ideally they would like "to see it disappear." Short of that they strongly supported any attempt to underground the facility or at the very least to take into account the impending development at the subject site and adjust the location of the public facility to more felicitously accommodate the functional and aesthetic needs of the private development site.

At this meeting the applicants reported that discussions with SPU had been to no avail, that offers had been made to relocate the generator within the proposed structure or elsewhere in the right-of-way at the applicants' expense. Offers to underground the facility were likewise rejected with, according to the applicants, no rationale being offered.

The Board desired to go on record, emphatically reiterating their comments from the earlier meeting, noting that the seemingly arbitrary decision to locate the generator within the E. Blaine street right-of-way appeared to them to be devoid of any aesthetic sensitivity or adherence to established urban design principles, disdainful of pedestrian safety and comfort, and denigrating of the notion of a "public" utility.

The applicants were urged to continue a dialog aimed at relocating the generator and to elicit the Land Use planner's assistance in this endeavor. Failing any movement away from the current intransigent status quo, the applicants were urged to approach the generator as an unattractive and intractable object needing a landscape design solution calculated to diminish its perceptible presence.

At meeting's close the Board had recommended granting the requested departure and approval of the project, design and materials as presented, with the above recommendations for enhancing the overall project, namely:

1. expand the transparency along the north (E. Howe Street right-of-way) façade so as to allow for a better interface between building and future improved pedestrian pathway between Eastlake Avenue E. and Fairview Avenue E. when such a pathway becomes feasible;
2. continue to negotiate with City of Seattle Public Utilities to relocate the generator located within the E. Blaine Street right-of-way, and, failing that, develop a landscape plan that would attempt to ameliorate and mitigate the visual and actual intrusiveness of the generator were it to remain as disruptively located.

ANALYSIS & DECISION- DESIGN REVIEW

The design review process prescribed in Section 23.41.014F 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 recommendation:

a. Reflects inconsistent applications 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
e. Conflicts with the requirements of state or federal law.

Director's Analysis and Decision

Four members of the Capitol Hill Design Review Board 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 of DPD has reviewed the decision and recommendations of the Design Review Board made at the Recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings and the South Lake Union supplemental guidance. The Director agrees with the Design Review Board's conclusion that the proposed project as presented at the September 5, 2012 meeting would result in a design that best meets the intent of the applicable Design Guidelines. Therefore, the Director accepts the Design Review Board's recommendations and **APPROVES** the proposed **design and** the requested **departure**.

Note: Efforts by the applicant to procure an agreement from SPU to relocate the generator from the E Blaine Street sidewalk area were to no avail. The MUP plan sheets have been updated to show a zig and a zag in the proposed sidewalk on the north side of E. Blaine Street in order to accommodate the generator and landscaping, per the Design Review Board's directive, intended to mitigate the visual intrusion of the generator and its housing.

ANALYSIS - 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 exceeds the 12,000 square feet size threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 20, 2012. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist which was submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in 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 (SM C 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations.

Short-Term Impacts

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Most short-term impacts are expected to be minor, and compliance with existing applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. For example, the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes, and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 74,705 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, and removal of debris and regulates obstruction of the pedestrian right-of-way.
- PSCAA regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of drainage, grading, traffic, circulation and parking, noise, and greenhouse gases is warranted.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The Master Use Permit plans have been reviewed by DPD's Environmentally Critical Areas reviewer since DPD records show the site to contain a small portion of 40% Steep Slope. The entire site is within a liquefaction zone. Any sloped areas on the site do not appear to be part of a system of slopes and appear to have been created by legal previous grading activities associated with previous site development. For this reason, DPD has waived the required Steep Slope Variance associated with DPD Application No. 6246411. That approval has been conditioned upon the approval of a building/grading permit that demonstrates the proposed site activities are completely stabilized in accordance with provisions of the ECA Code. All other ECA Submittal, General and Landslide-Hazard, and development standards still apply for development on the site. Construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 74,710 cubic yards of material. A Geotechnical Report by HartCrowser, Inc., dated November 19, 2012, was submitted with this application and was reviewed and approved by DPD. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SM C 25.05.665) and the SEPA Construction Impacts Policy (SM C 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during demolition and construction. The construction activities will require the removal 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 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 impact is unmitigated by existing codes and regulations.

During demolition and construction, the existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This general area is subject to traffic congestion during the PM peak hour, and large construction trucks 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.

For the removal and disposal of the spoil materials, the 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 to minimize the amount of spilled material and dust from the truck bed en route to or from a site.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction 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 existing City Code (SMC 11.62).

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction, whenever possible.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires and removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

All construction activities are subject to the limitations of the Noise Ordinance. However, given the proximity of the site to existing residential uses, additional restrictions are warranted. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 a.m. to 6 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

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.

Long-Term Impacts — Use-Related Impacts

Air Quality

A concern was raised at the Design Review Recommendation meeting regarding the venting of exhaust from building operations. All research and laboratory space will be designed and operated according to the requirements and operational protocols as defined by the National Institute of Health. In addition, the HVAC systems will be designed to the appropriate standards and recommendations of the ASHRE (American Handbook for Heating, Ventilation, and Air-Conditioning Engineers) and ASHRAE.1. Review of mechanical systems will be conducted by the Department of Planning and Development as part of building and mechanical permit review.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (25.05.675.G) states that:

"…the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies…for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."

In addition, the Policy states that:

"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."

The proposed development would proceed according to Land Use Code standards for the proposed zone. The development as a whole will be in keeping with the scale of development anticipated by the goals and policies for the existing zoning and the Comprehensive Plan. In addition, in approving the project, the Design Review Board gave particular attention to the height, bulk and scale relationship of the proposal to its surroundings. There is no evidence that height, bulk and scale impacts have been inadequately mitigated through the Design Review Board process. Therefore, no mitigation of height, bulk and scale impacts is warranted pursuant to SEPA.

Historic and Cultural Preservation

Although the site has been developed previously, there are no existing buildings on the site and there are no adjacent landmarks or items known to be of cultural importance. Approximately 50 percent of the site, however, lies within an archaeological buffer zone, determined by the US Government Meander Line. Although no archaeologically significant cultural resources are known to be present at the project site, there is some potential for cultural resources to be located there. Construction activities could increase visibility and potential for exposure of previously unknown cultural resources during clearing and grading.

Prior to Issuance of the Master Use Permit, the owner and/or responsible parties shall provide DPD with a statement that the contract documents of their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with these regulations.

A Construction Monitoring and Discovery Plan will be required prior to the issuance of permits for subgrade excavation or construction. Appropriate measures in Director's Rule 2-98 will need to be incorporated into the plan.

1. *If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify DPD (land use planner Michael Dorcy at 206-615-1393) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). Responsible parties 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, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors*

2. *Once DPD and the State Office have been notified:*

- *The owner and/or responsible party shall hold a meeting on site with DPD and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office of Archaeology and Historic Preservation (OAHP), and to DPD to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.*

- *The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.*

- *Work only shall resume on the affected areas of the site once an approved permit for Archeological Excavation and Removal is obtained from the OAHP. Work may then proceed in compliance with the approved plan.*

Public View Protection

The SEPA Public View Protection policy allows the reviewing agency to mitigate impacts to public views of significant natural and human-made features from public places consisting of specified viewpoints, parks, scenic routes, and view corridors as identified in Attachment 1 to the Environmental Policies and Procedures Ordinance. Fairview Avenue North is a designated scenic routes under this Ordinance. No adverse public view impacts

are anticipated from the proposal. The proposed building is set back from the eastern margin of the Fairview Avenue N. roadway surface, allowing for a wide view corridor down Fairview Avenue North.

Traffic and Transportation

A Traffic Impact Study was prepared by Heffron Transportation, Inc., dated July 2, 2012, and updated on March 19, 2013, to determine the traffic impacts of the proposal. The initial Study methodology was approved by John Shaw of the Department of Planning and Development. The study was reviewed by him as well as by the Land Use Planner.

According to the Traffic Impact Study, the proposed development is estimated to generate approximately 1,580 net new vehicle trips, 200 new vehicle trips during the weekday AM peak hour and 190 net new trips during the weekday PM peak hour. In terms of intersection Level of Service (LOS), the Study analyzed existing and future 2014 conditions.

The intersection LOS analyses were originally conducted at the following four study intersections in the project vicinity: 1) Eastlake Avenue E/ E. Blaine Street (non-signalized), 2) Eastlake Avenue E/ E Newton Street (non-signalized), 3) Eastlake Avenue E/ E Lynn Street (signalized), and 4) Fairview Avenue N/ Eastlake Avenue E (signalized). Two of these study intersections are expected to operate or include movements at LOS levels unchanged with or without the project in 2014, Eastlake Avenue E/ Fairview Avenue N at LOS B, and Eastlake Avenue E/E Newton Street at LOS C. The intersection at Eastlake Avenue E/E Lynn Street would change from LOS B to LOS C, with or without the project in 2014, and the intersection at Eastlake Avenue E/ E Blaine Street would change from LOS C to LOS D with or without the project.

Two additional intersections were evaluated at the request of DPD's Traffic Planner, those at Fairview Avenue E/E Blaine Street and Fairview Avenue E/Fairview Avenue N. The first of these did not change from a LOS of A with or without the project in 2014. The intersection at Fairview Avenue E/ Fairview Avenue N remained at a LOS of C for southeast left turns with or without the project in 2014 and at LOS of A for northbound left turns with or without the project in 2014. All six intersections studied would operate at an acceptable level of service (LOS D or better) with background growth and the addition of project trips.

Transportation concurrency was evaluated in the Traffic Impact study. The calculated volume to capacity ratios for the two tested screenlines were determined to remain below the adopted LOS standards with the proposed development. Therefore, the proposed development was determined to meet the City's concurrency requirements.

Tranportation Mitigation Payments

The City of Seattle has established a transportation mitigations system for development in and around the South Lake Union neighborhood. Mitigation payments help fund planned transportation improvements, for automobile infrastructure, bicycle facilities, pedestrian walkways, and transit facilities, identified in the South Lake Union Transportation Plan. The mitigation payment system requests the voluntary payment of a pro-rata fee based on either the established rates for the proposed land uses or the assignment of project traffic to the future street system with the identified transportation projects in place. Although the subject project is located outside the South Lake Union fee area where normal rates do not apply, a pro-rata share was calculated for the transportation projects that would be affected by and benefit the proposed

project. According to calculations presented in the updated Heffron Transportation, Inc. Transportation Impact Analysis of March 19, 2013, the projects pro-rata share is $9,477. No other specific mitigation measures related to traffic, therefore, would be needed to accommodate the proposed project.

Parking

Parking accumulation for an R&D use, since no data for such a facility is included in the Institute of Transportation Engineers (ITE) *Parking Generation,* was derived from seven-day parking count data collected at the Amgen campus in June 2004, as noted in the Heffron Transportation, Inc., *Transportation Impact Analysis.*. Additional parking demand for the potential café was included in the analysis, assuming rates and a demand profile published for a high-turnover restaurant in *Parking Generation.* The estimated peak parking demand is 294 vehicles during the weekday. The project proposes to have 266 parking spaces. Since a parking demand overflow could occur midday between 9:00AM and 1:00PM, a Transportation Management Plan (TMP) has been recommended and will be required with a goal of no more than 59% of the employees driving to work (50% by single occupant vehicles and 9% by carpool). With the TMP goal met, the provided parking supply would accommodate the estimated demand. The Transportation Impact Analysis also recommends that some of the on-street parking adjacent to the site be limited to a 2-hour limit to serve café customers and office visitors.

Displaced On-Street Parking

By providing parking onsite for 266 vehicles and by implementing a TMP with no more than 59% of employees commuting to work, based upon an estimated employee density of 400 square feet per employee, the peak parking demand and impacts on parking availability directly attributable to the project on site development would be met.

The project, facing onto four different streets, is also responsible, as required by the Land Use Code, for improvements in the rights-of-way as determined by Seattle Department of Transportation (SDOT) and is subject to their street-improvement process. An existing situation at the west periphery of the site, in particular within the unimproved right-of-way of unimproved E. Howe Street and within a triangular section of Fairview Avenue E., located directly to the west of the development site, has occasioned vehicle parking in these locations which hitherto has been haphazard and unregulated. The loss of this parking has been the primary source for public comments directed toward the development proposal. It would appear, as noted in the *Transportation Impact Analysis* prepared by Heffron Transportation, Inc., and based upon weekday observations compared to aerial photos (performed on Sundays), however, that almost all the vehicles that park in these areas are weekday commuters. Some parking may be related to employees in nearby offices while other is likely related to hide-and-ride commuters who park in the area and take nearby transportation to employment locations in South Lake Union or downtown Seattle.

As shown on the MUP plans, on the north side of the E. Blaine Street right-of-way, adjacent the development, as determined by SDOT, the developer will be required to accommodate 8 angled parking spaces. As part of the required street improvements on Fairview Avenue E., SDOT has indicated improvements that would continue the existing curb line to the south and north of the site, provide street trees and sidewalk, allowing for limited parallel parking along this eastern edge of the street, and for landscaping within the right-of-way between the property line of the

proposed development and the street.

It is Department of Planning and Development's determination that SEPA impacts directly attributable to the development proposal have been met by the development's proponents in providing parking onsite for 266 vehicles and by implementing a Transportation Management Plan for users of the building with a limit of 59% of employees commuting to work. With an estimated employee density of 400 square feet per employee, the peak parking demand and impacts on parking availability directly attributable to the project on site development would be met.

Greenhouse Gas

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.

DECISION — STATE ENVIRONMENTAL POLICY ACT (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. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21 C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21 C.030(2)(c).

CONDITIONS – SEPA

Prior to issuance of any Construction, Shoring or Grading Permits

1. A Construction Monitoring and Discovery Plan will be required prior to issuance of any sub-grade excavation or construction on the project site.

2. The applicant shall submit for review and approval a Construction/ Noise Impact Management Plan to the Department of Planning and Development (DPD) for concurrent review and approval with Seattle Department of Transportation (SDOT). The plan shall identify management of construction activities including construction hours, parking, traffic and issues concerning street and sidewalk closures.

3. The applicant shall submit for review and approval to the Department of Planning and Development and Seattle Department of Transportation a Transportation Management Plan with a Single Occupancy Vehicle (SOV) goal of 59 (50 percent by single occupant vehicle and 9 percent by carpool) consistent with SMC 25.05.675 and 25.05.670, which TMP, when approved, shall be recorded with the King County Recorder's Office.

Prior to issuance of a Certificate of Occupancy

4. The applicant shall be liable to SDOT for a transportation mitigation fee of $9,477, which is the final cost share figure developed by Heffron Transportation, Inc., dated March 19, 2013, for mitigation of traffic impacts within the South Lake Union Transportation Plan.

Conditions-Shoreline Substantial Development

None.

Conditions-Design Review

None.

Signature: (signature on file) Date: August 15, 2013
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:drm

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