



## City of Seattle

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**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 3013013

**Applicant Name:** Amanda Keating of Weber Thompson for Greystar Development LLC

**Address of Proposal:** 400 Boren Avenue North

**Council File:** 312300

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 7-story, 282 unit residential structure with parking for 317 vehicles located below grade (186 accessory use and 131 principal use parking spaces). Existing structures and surface parking to be demolished. Project includes 35,000 cu. yds. of excavation for parking garage and remediation of contaminated soil.

Project originally included a request to rezone the property from IC-65 to SM 85. The request was subsequently withdrawn. The number of units has been increased from 279 to 282, and the number of parking spaces has been increased from 290 to 317.

The following Master Use Permit components are required:

**Design Review** – (Seattle Municipal Code 23.41)

**SEPA** - Environmental Determination (Seattle Municipal Code Chapter 25.05)

**SEPA Determination:**       Exempt    DNS    MDNS    EIS

MDNS with conditions

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

## BACKGROUND DATA

### Current Development

The site is a half-block bounded by Boren Ave North to the west, an alley to the east, Republican to the north and Harrison to the south. Frontage on Boren is 360' and 120' on both Republican and Harrison. The northernmost portion of the site is a surface parking lot, while on the south 2/3 of the site exists one and two-story buildings (constructed 1952-1953) and one small surface parking lot. The existing buildings include warehouse and restaurant/tavern.

Existing vehicular access is via several curb cuts and the alley. Existing pedestrian access to the two buildings is from sidewalks at Boren Ave N and Harrison St.

No Environmentally Critical Areas are located on the site. The site slopes approximately 35' in elevation from the northwest corner up to the southeast corner.

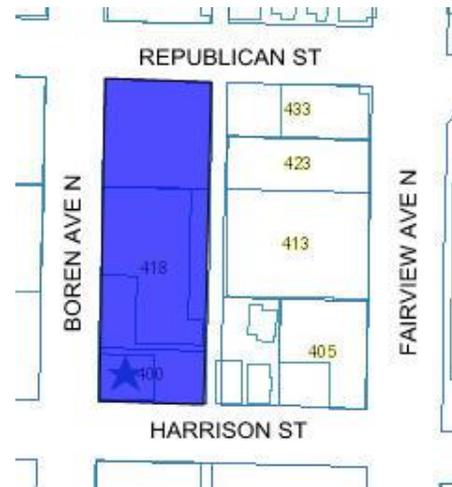
### Surrounding Development and Neighborhood Character

The surrounding development is a mix of uses and age of structures. Nearby development includes 2-story office and light industrial constructed in the early 20th century, recent 5-6 story mixed-use development, and early 20th century residential structures.

### Permit Application History

A rezone covering the South Lake Union neighborhood was recently adopted by City Council and will be effective on June 13, 2013 (Ordinance 124172). This site was rezoned from IC/65 to SM 160/85-240 as the result of that Ordinance.

Prior to the South Lake Union rezone adoption, the applicant had requested a contract rezone for this site. Notice of the applicant's proposed rezone was issued on June 28, 2012. No public comments were received in response to the proposed rezone, or at the Design Review meetings. On February 13, 2013, DPD published a Recommendation and Analysis regarding the rezone and Design Review compliance, along with recommended SEPA conditions regarding the rezone and accompanying project. On March 27, 2013, the Hearing Examiner conducted a public hearing for the rezone. On April 1, 2013, the Hearing Examiner published the Findings and Recommendation on the proposed rezone (CF 312300 and DPD Project # 3013013), recommending adoption of the proposed rezone. After the City Council passed Ordinance 124172, rezoning the subject site from IC-65 to SM 160/85-240, the applicant withdrew the contract rezone component of the MUP application and revised the project to comply with the new zoning requirements in Ordinance 124172.



In response to the SM 160/85-240 zoning requirements, the applicant modified the design proposal to provide an additional setback along the upper floor along Harrison Street (the south façade of the project).

## **ANALYSIS – DESIGN REVIEW**

### **EARLY DESIGN GUIDANCE MEETING: April 18, 2012** **DESIGN PRESENTATION**

The packet includes materials presented at the meeting, and is available online by entering the project number (3013013) at this website:  
[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

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

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

**Email:** [PRC@seattle.gov](mailto:PRC@seattle.gov)

The applicant provided supplementary EDG packet sheets at the meeting, which are available in the online packet or in the file.

The applicant noted that the three options respond to the grade changes across the site, with stepped massing and vertical modulation. Each street frontage would include residential units at grade. Graphics were provided in the supplementary packet sheets that demonstrated various street level concepts to respond to the grade changes.

The applicant explained that the 12' public right of way would be designed with a 4' wide landscape strip, a 6' wide sidewalk, and a 2' wide landscaped buffer adjacent to the building.

## **PUBLIC COMMENT**

Two members of the public signed in at this Early Design Review meeting. No public comments were offered.

### **FINAL RECOMMENDATION MEETING: September 5, 2012** **DESIGN PRESENTATION**

The packet includes materials presented at the meeting, and is available online by entering the project number (3013013) at this website:  
[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

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

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At the Recommendation meeting, the applicant provided supplementary Recommendation packet sheets and a materials and colors board. Proposed materials include wood composite, brick, metal panel, cementitious panel, and board-formed concrete. Terracotta or another high quality material would be incorporated around the primary building entry. Prodeca or composite wood panels would be used to highlight the building entry bay, including the entry doors and the soffit in the entry canopy. The applicant noted that the fiber cement siding would likely be separated from the sidewalk level with board-formed concrete.

The applicant presented images demonstrating the configuration and dimensions of the patios for residential units at grade. The patios included angled low retaining walls, layered landscaping, and railings to provide separation from the sidewalk. Many of the street level units on Republican Street and Boren Avenue would have direct access to the street level. The street level units on Harrison Street would be accessed from an internal building corridor.

### **PUBLIC COMMENT**

No public comment was offered at the Recommendation meeting.

## **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.

### **EARLY DESIGN GUIDANCE:**

1. Explore the proposed right of way design with Seattle Department of Transportation. The 4<sup>2</sup>/6<sup>2</sup>/2<sup>2</sup> pattern proposed would help to increase the usable space of the stoop and patio depth for ground level units on Boren Ave N.
2. Use the grade changes across the site to create a greater buffer for privacy for residences at grade. Landscaping and sight lines should be designed to provide privacy for residences at grade, to encourage use of stoops and minimize closed blinds at the street level.
3. The Board agreed that Option C presents the best massing response to the Guidelines, with the 1/3 south module and 2/3 north module.
4. Explore setting the building back further from the property line in order to create larger stoop areas that would encourage residential outdoor use of the stoops.

5. Consider shifting a portion of the building away from the public right of way to activate the street level with furniture, landscaping, or other elements to encourage privacy.
6. The Board encouraged the applicant to include trees on both sides of the sidewalks as shown in the concept drawings.
7. Design the permanent planters and hardscape between the residential units and with the sidewalk, to be more defensible.
8. Pull the north and south facades back as shown on the concept drawings to enhance pedestrian crossing safety, and include low landscaping and clear sight lines for pedestrians.
9. The east elevation should be well-designed with some fenestration and treated as a fourth primary building facade. This façade is highly visible from surrounding development and shouldn't be treated as a 'back of house' façade.
10. Windows should be designed to maximize light penetration at the alley and for ground level residential units. One technique includes windows with mullions leaving the lower 2/3 of the window fully glazed.
11. Ground level residential units should include a design plan to provide privacy while maintaining transparency and activation at the street front. The applicant should provide information about this strategy and demonstrate how the design will avoid creating a street level façade composed of 'closed blinds.'
12. The building entry at the division between the south 1/3 and north 2/3 of the building should be distinct, unique, and emphasize the differentiation between the north and south portions of the building.

### **RECOMMENDATIONS (SEPTEMBER 5, 2012):**

#### **1. Materials and Colors (B-1, C-2, C-4)**

- a. The materials and colors of the physical sample board add to the overall design composition for the two portions of the building. The Board noted that the printed packets give the appearance of a 'busy' façade, but the material and color samples indicate this would not be the case. The Board was supportive of the overall design concept with the materials and colors shown in the physical samples.
- b. The board-formed concrete is important in providing texture and human scale at the street level. The Board recommended condition #1 related to this item.

#### **2. Design Concept of The Urban portion of the Building (C-2, C-4)**

- a. The Board expressed concern about the consistency of design for the top of the southern portion of the building labeled "Urban Quarter" in the Recommendation packet. The Board recommended a condition to improve the overall design consistency of this portion of the building, as described in condition #2.
  - Options to satisfy this condition include expanding the sun shade to emphasize the top floor, stepping back the building top, using a more durable material for the building cap (reflecting the building base), or other architectural strategies.

- The design of the Urban Quarter building should continue the design parti of “2/3, 1/3” division in the building, rather than mimicking the northern portion of the building (labeled “Lake” in the Recommendation packet).
- b. The Board expressed concern about the quality and detail of materials at the street level of the Urban Quarter (southern) portion of the building. The Board noted that cementitious panel extending down to the sidewalk level is a concern, because of the wear and tear on street-level facades. A more durable material is needed at the street level. This material should also be designed to express the base of the building better than the design shown at the Recommendation meeting. The Board recommended condition #3 related to this item. Also, the SE corner unit should be finely detailed consistent with this strategy.
- c. The Board deliberated about the expression of the design parti related to the two portions of the building. The Board recommended condition #4 in order to enhance the design concept and create a clear relationship between the two portions of the building.

### **3. Entry Bay (A-6, B-1, D-1)**

- a. The Board recommended Condition #5 to enhance the residential entry on Boren Ave. Possible options to achieve this recommended condition include adding sidelights, adding glazing around the entry, continuing the materiality of the upper bay width and canopy to the entry doors, or other similar strategies.

### **4. Street Level Patios (A-6)**

- a. The Board expressed concern about sufficient usable patio depth for street level patios, and recommended condition #6.
- b. The Board noted that providing planting areas rather than all hardscape could be a benefit for residents, but declined to recommend a condition related to this item.

### **5. Harrison Street Sidewalk (D-1)**

- a. The Board noted heavy pedestrian use along Harrison Street. The Board encouraged the applicant to work with SDOT to create a wider sidewalk on Harrison St, if at all possible. The Board expressed support for:
  - Narrower planter strips that could allow for a wider sidewalk;
  - Placing a planting strip adjacent to the building instead of between the curb and the sidewalk, since the on-street parallel parking provides a buffer for pedestrians; and
  - Adding decorative grilles in tree pits or planter strips to provide hard surfaces for pedestrians.
- b. The Board noted that these items are in the purview of SDOT rather than DPD, but expressed support for the applicant working with SDOT to possibly incorporate these items in the streetscape design.

## **DESIGN REVIEW GUIDELINES**

The Board identified the following Citywide Design Guidelines of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

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

### **SLU-specific supplemental guidance:**

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

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

### **SLU-specific supplemental guidance:**

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

- **Provide pedestrian-friendly streetscape amenities, such as: tree grates; benches; lighting.**

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

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

SLU-specific supplemental guidance:

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

A-6 **Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

SLU-specific supplemental guidance:

Consider designing the entries of residential buildings to enhance the character of the streetscape through the use of small gardens, stoops and other elements to create a transition between the public and private areas. Consider design options to accommodate various residential uses, i.e., townhouse, live-work, apartment and senior-assisted housing.

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

SLU-specific supplemental guidance:

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

**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.

SLU-specific supplemental guidance:

- Support the existing fine-grained character of the neighborhood with a mix of building styles.
- Re-use and preserve important buildings and landmarks when possible.
- Expose historic signs and vintage advertising on buildings where possible.

- Respond to the history and character in the adjacent vicinity in terms of patterns, style, and scale. Encourage historic character to be revealed and reclaimed, for example through use of community artifacts, and historic materials, forms and textures.
- Respond to the working class, maritime, commercial and industrial character of the Waterfront and Westlake areas. Examples of elements to consider include: window detail patterns; open bay doors; sloped roofs.
- Respond to the unique, grass roots, sustainable character of the Cascade neighborhood. Examples of elements to consider include: community artwork; edible gardens; water filtration systems that serve as pedestrian amenities; gutters that support greenery.

**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.

**SLU-specific supplemental guidance:**

Design the “fifth elevation” — the roofscape — in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Therefore, views from outside the area as well as from within the neighborhood should be considered, and roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.

**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.

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

**SLU-specific supplemental guidance:**

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

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

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

**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.**

**SLU-specific supplemental guidance:**

- Consider integrating artwork into publicly accessible areas of a building and landscape that evokes a sense of place related to the previous uses of the area. Neighborhood themes may include service industries such as laundries, auto row, floral businesses, photography district, arts district, maritime, etc.

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

**SLU-specific supplemental guidance:**

**Landscaping should be designed to take advantage of views to waterfront and downtown Seattle.**

## **DEVELOPMENT STANDARD DEPARTURES**

No departures were requested with this proposal.

## **BOARD RECOMMENDATION**

The recommendation summarized below was based on the design review packet dated September 5, 2012 and the materials shown and verbally described by the applicant at the September 5, 2012 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members recommended APPROVAL of the subject design. The Board recommended the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. The concrete at street level should be finely detailed and textured with board-form or other techniques to relate to the pedestrian scale. (B-1, C-2, C-4)
2. Modify the design the “Urban Quarter” (southern) portion of the building to create a clear building ‘top.’ Options to create a clear building top include expanding the sun shade to emphasize the top floor, stepping back the building top, using a more durable material for the building cap (reflecting the building base), or other architectural strategies. (C-2, C-4)
3. Incorporate masonry or another highly durable material at the base of the Urban Quarter (southern) portion of the building, similar to the strategy in the Lake (northern) portion of the building. The building base should be finely detailed, similar to the board formed concrete of the northern portion of the building. (C-2, C-4)
4. The recess between the Lake (northern) portion of the building and the Urban Quarter (southern) portion of the building should be modified to reflect the materiality of the Urban Quarter portion of the building. (C-2)
5. The residential entry doors and material around the doors should be modified to reflect the scale of the building bay above the residential entry. (A-6, B-1, D-1)
6. The applicant should demonstrate that the street level patios would provide sufficient depth to allow usable areas for residents of those units. The Board encouraged the applicant to make these patios as deep as possible to provide usable outdoor seating areas for residents. (A-6)

Response to Recommended Design Review Conditions:

The applicant made modifications to the proposal, as shown in the MUP plan set, and provided information to DPD that satisfies the Recommended Conditions.

**DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

**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)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 18, 2012. 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and in those cases no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). However, further discussion and mitigation of some impacts is warranted, as listed below.

### Short Term Impacts

#### Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

#### 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 between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.

Some of the nearby properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

#### Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Increased trip generation is expected during the proposed demolition, grading, and construction activity, with haul routes restricted to nearby arterials (Fairview Ave N, Westlake Ave N, and N.

Mercer St). The immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts and other haul truck trip impacts, the applicant shall submit a Construction Haul Route and Construction Parking Plan for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of this approved plan shall be provided to DPD prior to the issuance of demolition and building permits.

### Environmental Health

The applicant submitted a Phase II Environmental Site Assessment, which described existing soil contamination on site (Sound Earth Strategies, Phase II Environmental Site Assessment, SLU 293 Property, dated March 9, 2012). If not properly handled, existing soil contamination could have an adverse impact on environmental health.

Mitigation of soil contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City considers Ecology’s jurisdiction and requirements for soil remediation will mitigate impacts associated with any contamination.

Per SMC 25.05.675.F, Ecology’s review of the proposed cleanup activities at this site are assumed to be sufficient impact mitigation.

In order to ensure that the contaminated soils are cleaned up according to Ecology’s requirements, the proposal is conditioned below. Prior to issuance of a DPD Master Use Permit, the applicant will be required to provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.

### Historic and Archaeological Resources

The project is within the U. S. Government Meander Line buffer that marks the historic Lake Union shoreline – an area with the potential for discovery of pre-contact and early historic period resources. If resources of potential archaeological significance are encountered during construction or excavation that Director’s Rule requires the owner and/or responsible parties to:

- Stop work immediately and notify DPD and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director’s Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

- 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.

Consistent with the Director's Rule 2-98 requirements for mitigation of potential archaeological artifacts in the Meander Line Buffer and mitigation warranted by SMC 25.05.675.H, the following conditions are recommended:

Prior to Issuance of Master Use Permits:

- The owner and/or responsible parties shall provide DPD with a statement that the contract documents for 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 those regulations.

During Construction:

If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- 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.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site, increased residential uses, increased traffic in the area and increased demand for parking, increased demand for public services and utilities, increases in carbon dioxide and other greenhouse gas emissions, and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these area: the Stormwater Code which requires onsite detention of stormwater with provisions for controlled tightline 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 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 long-term impacts, although some impacts warrant further discussion which will occur during the SEPA and Design Review process at the time of a development proposal for this site.

*Environmental Health*

Operational activities, primarily vehicular trips associated with future construction and future development energy consumption, are expected to result in increases in carbon dioxide, and 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 and do not warrant mitigation under SEPA.

*Height, Bulk, and Scale*

Development under the proposed rezone would result in an additional 20 feet of permissible building height. This could result in shadowing to nearby properties, and reduced light and air.

The Land Use Code includes development standards for Seattle Mixed zones, which are intended to address some of the height, bulk, and scale impacts of new development.

Any development that exceeds Design Review thresholds in SMC 23.41 would be required to go through design review. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The proposed development associated with the rezone has gone through Design Review, as described in the Design Review Analysis section of this recommendation. Additional mitigation is not warranted under SEPA.

*Historic Preservation*

The Department of Neighborhoods indicated that the existing structure on site is not likely to qualify for historic landmark status.

The site is also across the street from designed historic landmarks (the Van Vorst Building and the Boren Investment Company Building). Department of Neighborhoods reviewed the proposal and determined that no mitigation was required for potential impacts to this landmark (LPB 611/12). Therefore, no mitigation is warranted for mitigation of potential historic landmarks.

Land Use

The impacts of the proposed rezone from IC-65 to SM-85 have been analyzed in the Rezone analysis section of this DPD Recommendation. No additional mitigation is warranted for mitigation of land use impacts.

Parking

As part of the environmental checklist, the project submitted a transportation impact analysis, which included analysis of parking supply and demand (“Transportation Impact Analysis, 400 Boren Avenue N”, Prepared for Greystar, August 2012, Prepared by TranspoGroup).

The proposed development includes 282 apartments and 317 parking spaces. The number of proposed parking spaces outnumbers the demand generated by the proposed residential use. Therefore, no mitigation is warranted for mitigation of parking.

Traffic

As part of the environmental checklist, the project submitted a transportation impact analysis (“Transportation Impact Analysis, 400 Boren Avenue N”, Prepared for Greystar, August 2012, Prepared by TranspoGroup).

The project is expected to generate a net total of 260 daily vehicle trips, with 31 net new PM peak Hour trips. Level of service analysis was performed for nearby intersections. That analysis showed that the project is expected to add a small amount of delay at each of the study intersections, but is not expected to significantly affect their overall operation.

The project will also mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union as outlined in DPD Client Assistance Memo (CAM) 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of \$30,382 in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules.

With those mitigation measures, the project is not anticipated to cause significant adverse impacts to parking or traffic.

**MITIGATED DETERMINATION OF NONSIGNIFICANCE**

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.

[X] Mitigated 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.

- There is no comment period for this DNS.
- This MDNS 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.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

### **SEPA - CONDITIONS OF APPROVAL**

#### **Prior to Issuance of Master Use Permits:**

1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for 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 those regulations.
2. The applicant shall provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.

#### **Prior to Issuance of a Demolition Permit**

3. The applicant shall provide a copy of a Construction Haul Route Plan, approved by Seattle Department of Transportation.
4. A Construction Parking Plan is required, subject to approval by DPD.
5. If the applicant intends to work outside of the limits of the hours of construction described in condition #8, a Construction Noise Management Plan shall be required, subject to review and approval by DPD. The Plan shall include 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.

Prior to Issuance of a Building Permit

6. The applicant shall submit and have approved by DPD a Transportation Management Plan consistent with DPD Director's Rule 9-2010.
7. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$30,382 to the City of Seattle.

During Construction

8. 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.
9. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
  - a. Stop work immediately and notify DPD (Shelley Bolser at [shelley.bolser@seattle.gov](mailto:shelley.bolser@seattle.gov) or 206-733-9067) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
  - b. 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.

**DESIGN REVIEW - CONDITIONS OF APPROVAL**

Prior to Certificate of Occupancy

10. 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 (Shelley Bolser 206-733-9067 or [shelley.bolser@seattle.gov](mailto:shelley.bolser@seattle.gov)).
11. 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 (Shelley Bolser (206) 733-9067 or [shelley.bolser@seattle.gov](mailto:shelley.bolser@seattle.gov)).

For the Life of the Project

12. 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 (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Signature: \_\_\_\_\_ (signature on file) Date: June 13, 2013  
Shelley Bolser AICP, LEED AP  
Senior Land Use Planner  
Department of Planning and Development

SB:drm

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