



City of Seattle

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: 3012798/3013563

Applicant Name: Michelle Wang of Runberg Architecture, for Equity Residential

Address of Proposal: 221 Minor Avenue N/ 222 Fairview Avenue N

SUMMARY OF PROPOSAL

3012798 -221 Minor Avenue N: Land Use Application to allow a new seven-story building with 264 residential units located above 4,234 sq. ft. of ground level retail. Parking for 264 vehicles to be provided below grade. Review includes demolition of existing 39,000 sq. ft. structure. Related project for a residential and retail structure on adjacent half block under A/P #3013563.

3013563 -222 Fairview Avenue N: Land Use Application to allow a new seven-story building with 213 residential units located above 2,100 sq. ft. of ground level retail, and 11,127 sq. ft. of live-work space. Parking for 225 vehicles to be provided below grade. Review includes demolition of existing structures (46,790 sq. ft.). Related project for a residential and retail structure on adjacent half block under A/P #3012798.

The following approvals are required:

Design Review – Chapter 23.41 Seattle Municipal Code.

Development Standard Departure to exceed the maximum street level setback.
(SMC 23.48.014.A.3.b)

Development Standard Departure to exceed the maximum paved area in a setback. (SMC 23.48.014.A.3.b.1)

Development Standard Departure to exceed the upper level alley setback.
(SMC 23.48.012.A.2)

Development Standard Departure to not achieve the minimum façade height on green streets. (SMC 23.48.014.A.2.b)

Development Standard Departure to not achieve the minimum commercial use percentage on green streets. (SMC 23.48.014.E.1)

SEPA – Environmental Determination – Chapter 25.05 Seattle Municipal Code.

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

[X] DNS with conditions

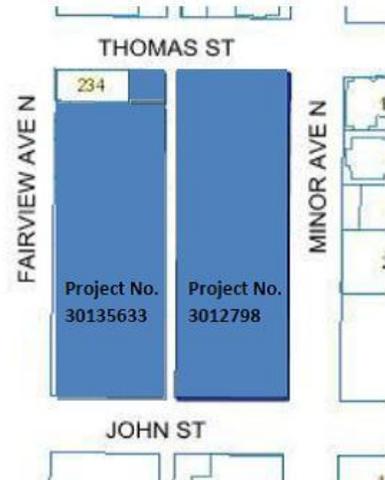
[] DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

Site:

Site Zone: SM 160/85-240 (west); SM/R 55-85 (east)

Nearby Zones: (North) SM 160/85-240 & SM/R 55-85
(South) SM 240/125-400
(West) SM 160/85 -240
(East) SM/R 55-85

Lot Area: 43,200 sf (east, full half block)
40,400 sf (west)



Current Development

The site is the block bounded by Fairview Ave N to the west, Minor Avenue N to the east, Thomas Street to the north, and John Street to the south. The east half block is predominantly surface parking lot, with a 2 story commercial building, approximately 50 x 130 ft., located mid-block on Minor Avenue. The west portion is currently occupied by a 2 story commercial structure with a parking court; the 1 story restaurant, 35 x 80 ft. lot at the northwest corner of the block, is NOT part of the project site.

Existing vehicular access is via curb cuts and the through-block alley; the alley will remain as a public ROW, and all vehicle access is proposed from the alley. Existing pedestrian access is from the 4 surrounding sidewalks. There are no ECA's on the site.

Surrounding Development and Neighborhood Character

The surrounding development is a mix of uses and age of structures: the Alcoyne apartments and the SLU streetcar maintenance building to the north; Cascade Park and Peoples Center to the northeast; a mix of residential, commercial, day-care and surface parking to the east; the 120 ft. tall Mirabella residential block to the south; and the 3 story Seattle Times block to the west.

Recreational opportunities include Lake Union five blocks to the north and Cascade Park one block to the northeast.

The City Council adopted an ordinance #124172 on May 6, 2013 to change zoning in South Lake Union, including rezoning these two sites. The applicant has designed the proposal to respond to the recently adopted ordinance and applicable development standards.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: August 15, 2012

DESIGN PROPOSAL

The EDG Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. or by contacting the Public Resource Center at DPD:

Address: Public Resource Center
700 Fifth Ave., Suite 2000
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

During public comment, the following comments, issues and concerns were raised:

- Supported the applicant preferred option C and the inclusion of the through-block pedestrian mews.
- Stated the relationship to the retained corner restaurant (off project site) should be handled well. Applicant clarified there is a 15 foot step back there and windows in the proposed wall.
- Requested clarification on vehicle access points? Applicant answered parking and garbage access are off the alley, at the north end away from the proposed mews and John Street.
- Supported the green roofs as a project amenity and attractive surface for adjacent buildings to look onto, and suggested they be expanded further with an interesting design pattern.
- Encouraged the alley to have a pedestrian character as “charming” as the pedestrian mews.
- Supported the commercial limited to the 2 corners, and the development of the pedestrian mews as a quiet, lively pedestrian space similar to Alley 24 nearby.
- Requested clarification on the 85 ft. height proposed on east block? Applicant answered the 85 ft. line would allow for the partial “roof caps” and the 10 ft. floor to floor heights proposed, but not an additional full story.
- Asked what the construction timeframe might be? Applicant answered start excavation mid 2013 (assuming typical permit process) then 20-24 months construction; 2 half-blocks will be phased, primarily for construction staging reasons.
- Supported the stoop treatment along John Street and other site frontages with residential.

FINAL RECOMMENDATION MEETING: February 13, 2013

DESIGN DEVELOPMENT

The Recommendation Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. or by contacting the Public Resource Center at DPD:

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PUBLIC COMMENT

- Encouraged more family friendly units, meaning larger than 2 bedrooms.
- Requested the plant species and irrigation on the visible roof gardens be designed to not turn brown in dormant months.
- Encouraged the perimeter landscaping be designed to discourage dog impacts.
- Requested the elevator overruns and penthouse structures, which are visible from adjacent buildings, have quality materials and incorporate artful design elements on any blank walls.

PRIORITIES & BOARD RECOMMENDATIONS

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

The **priority guidelines** are summarized below, while all guidelines are still applicable. For the full text of all guidelines please visit the [Design Review website](#).

Note: All “booklet” page references are to the Design Review Recommendation booklet posted on the Design Review website, for the date of February 13, 2013.

Site Planning

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

SLU-specific supplemental guidance:

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

At the Early Design Guidance Meeting, the Board discussed expanding the usable roof area, maximizing the green roofs, and providing multiple roof overlooks for residents and guests.

At the Final Recommendation Meeting, the Board agreed the usable roof areas had been expanded sizably, and provided resident overlooks in appropriate locations, without adding shadow impacts to Cascade Park. The Board supported the roof and corridor links over the mews, so long as they remain glassy and transparent as shown on pg. 64 and 67.

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

SLU-specific supplemental guidance:

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

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

At the Early Design Guidance Meeting, the Board strongly supported creating a public gathering space at the northeast corner, and supporting this with façade refinements that make a stronger presence in the middle portion of the corner; perhaps carrying a façade treatment up from the commercial storefront, or creating a distinctive composition that does not duplicate the adjacent residential walls.

At the Final Recommendation Meeting, the Board supported the design resolution of the seating and trellis element along the Thomas Street property line, the glass overhead retail doors shown (on booklet pg 72), and the flat, open corner paving. They also endorsed the contrasting vertical element on the northeast façade at the corridor end, and associated roof lookout, as adequately addressing their EDG concern, with the added material clarifications covered under guideline C-2 below.

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.*

At the Early Design Guidance Meeting, the Board supported the mews and alleys as valuable connectors and discussed the treatment of the alley needing to be safe, well-lit and quality materials. The Board also encouraged the live-work frontages along Fairview Avenue to be flexible for commercial uses and read as storefronts, not purely residential.

At the Final Recommendation Meeting, the Board agreed the alley frontages had been well developed, including walls with texture and reveals as shown on booklet pg 65, and the activating workshop space; the Board requested additional pedestrian scale lighting (not floodlights) along the entire alley. The Board supported the commercial aspect of the Fairview hardscape/planting design, with added canopies as described under guideline D-12 below.

- 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.

At the Early Design Guidance Meeting, the Board discussed at length the importance of the stoop transitions along the John, Minor and Thomas Street townhouse frontages. The Board encouraged the applicants to ensure the setback along Minor Street accommodates landscaping and a usable area for small tables and chairs for each unit, and that might require enlarging the setback to 7-8 feet wide. The Board recognized the building above may overhang the widened setback, as long as the setback is 2 stories in height, to afford adequate light and scale to the stoops.

At the Final Recommendation Meeting, the Board endorsed the setbacks and stoop designs as shown, and appreciated the 8ft setback along the south part of Minor St.

- A-8 Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

At the Early Design Guidance Meeting, the Board supported the location of all vehicular and loading access as shown, off the alley, and toward the north end away from the mews cross-over.

At the Final Recommendation Meeting, the Board supported the location of all parking entries, trash and utility cabinets at the north end of the alley, as shown.

B. Height, Bulk and Scale

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

SLU-specific supplemental guidance:

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

At the Early Design Guidance Meeting, the Board discussed the importance of the modulations shown in Option C , along all three streets, to moderate the bulk, improve daylight penetration, and create scale along the lengthy frontages.

At the Final Recommendation Meeting, the Board agreed the modulations, materials and façade variations - as presented - sufficiently broke down the bulk and scale of an essentially full-block proposal. To fully differentiate the 2 façade types, the different joint patterns and panel colors are crucial; the colors are very close and should not become any more similar. Also, as outlined under C-1, the horizontal joints in the “running bond” pattern must be clearly expressed with physical reveals. And to better emphasize the important, dark grey vertical breaks at the northeast and southwest corners, a deeper panel offset is required, as described under C-2 below. These façade details are essential for the Board’s endorsement of the massing and bulk.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

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.*

At the Early Design Guidance Meeting, the Board discussed the importance of the modulations shown in Option C , along all three streets, and requested that the next meeting include a design rationale for how façade treatments might vary along streets, courtyards and alley, to moderate the repetition of the full-block mid zone.

At the Final Recommendation Meeting, the Board accepted the façade design rationale presented and its color and material palette, but encouraged the ‘running bond’ horizontal joints be emphasized more, possibly by employing physical reglets (and perhaps the brown panels on alternating floors can be recessed from planes above/below). All joints of the cement panels should be well-detailed and executed with care about long-term weathering. The Board agreed the dark gray vertical breaks at the northeast and southwest corners are important to the rationale, and these must be reinforced with more than a 1” plane offset; this aspect is also covered under guideline C-2 below.

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.

At the Early Design Guidance Meeting, the Board discussed expanding the usable roof deck, and the green roof area, both with an attractive “fifth elevation” design.

At the Final Recommendation Meeting, the Board agreed the visible rooftop elements should have high quality materials and design elements on any blank portions. To provide needed vertical proportion at key façade points, the Board also required a larger physical offset (4” minimum) between the gray and white planes at the critical northeast and southwest corners, and a corresponding deeper recess to the punched windows wherever possible (as suggested by perspective on booklet pg 69). This offset should include the gray top floor along Thomas Street, which supports the scale transition down to Cascade Park.

D. Pedestrian Environment

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

SLU-specific supplemental guidance:

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

SLU-specific supplemental guidance:

Providing parking below grade is preferred.

At both meetings, the Board applauded that all proposed parking is below grade, and the inclusion of the mews and courtyard open spaces. They endorsed the covered entry areas at the Minor street lobby, Fairview and Northeast retail entries.

At the Final Recommendation Meeting, the Board supported the contrasting soffit material and generous down-lighting proposed on booklet pg 79.

The Board discussed the proposed Fairview and mews gates options at length; although these gates are on private property, the spaces are semi-public and open during daylight hours, so the Board requested they appear welcoming when open, rather than visually overwhelmed by the trappings of security.

Regarding the Fairview courtyard gate, they supported the playful picket design as long as the overall fence is as low, light and transparent as possible to the street; they felt the pivot gate is overly heavy and turnstile-like in this highly public location, and suggested simple gate leaves that swing inboard for daytime hours. They also suggested exploring a lower, more organic or curved wall below the fence, so the court reads more as a recess from the straight building edge.

Regarding the 2 alley mews gates, the Board agreed the sliding gates with the shorter physical openings are acceptable, as long as the frame and picket designs are playful and lightened up considerably (since they are 2 overlapping layers during open/daytime; see booklet pg 62) and all other obstructing elements (man gates, vertical supports, bollards etc.) are revised to maximize the open visual appearance during daytime (reduce bulk of man-gate stanchion; one bollard instead of 2, etc.).

Regarding the 2 pivot gates off the streets, the Board appreciated they were both set deep off the sidewalk, but encouraged them to appear lighter and more welcoming when open during daylight hours (more so than the less visible alleys). The Board felt the pivot gates were obstructive, and encouraged a simpler double leaf approach, which might also result in a wider net opening, with no daytime obstructive fence on the south side of the Fairview opening (pg 56, right image). It would also be desirable to shift the primary lobby entrance to be on the west side of that gate – under cover - and to allow late night visitors entrance through the proper lobby doors, rather than confront an intimidating (and potentially noisy) gate.

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.*

At the Early Design Guidance Meeting, the Board noted that the alley treatment should reinforce pedestrian activity, and especially the south portion up to the mews should have a residential feel, with windows/eyes on the alley, and quality materials that wrap from the street into the south alley and mews.

At the Final Recommendation Meeting, the Board applauded the alley design shown; see guideline A-4 above. The Board supports down-lighting wall sconces, similar to those shown for the townhouses, if any are installed on any unit decks.

D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.

See D-7 above.

D-12 Residential Entries and Transitions. For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

At the Final Recommendation Meeting, the Board requested that small canopies for weather protection and scale be added above any non-recessed ground floor unit doors. Per the drawings in the booklet, this appears to be the 11 unit doors along Minor Street, the 2 townhouses on Thomas Street, and the 4 Live/work doors along Fairview, which might also incorporate small blade signs for potential commercial venues.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

SLU-specific supplemental guidance:

- *Support the creation of a hierarchy of passive and active open space within South Lake Union. This may include pooling open space requirements on-site to create larger spaces.*
- *Encourage landscaping that meets LEED criteria. This is a priority in the Cascade neighborhood.*
- *Where appropriate, install indigenous trees and plants to improve aesthetics, capture water and create habitat.*
- *Retain existing, non-intrusive mature trees or replace with large caliper trees.*
- *Water features are encouraged including natural marsh-like installations.*
- *Reference the City of Seattle Right Tree Book and the City Light Streetscape Light Standards Manual for appropriate landscaping and lighting options for the area.*

At the Early Design Guidance Meeting, the Board recommended that the mews, stoop setbacks and portions of the alley provide an enhanced public realm for pedestrians, and these areas should incorporate quality, sustainable landscape features, reinforcing a special restful, residential character along the mews and in the Fairview courtyard.

At the Final Recommendation Meeting, the Board applauded the design, materials and detailed variety of all the landscape design as proposed.

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.*

At the Final Recommendation Meeting, the Board supported the material variety and plant species proposed. See last page Conditions for specimen tree criteria.

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.

At the Final Recommendation Meeting, the Board reviewed the applicant's analysis of the existing city-classified Exceptional Tree (35" diameter Red Oak) on the property near the Minor Street property line, and had the following discussion:

EXCEPTIONAL TREE DISCUSSION:

The applicants presented information from an ISA Certified Arborist; the tree has an extensive feeder root system essential to its survival, reaching an 84 ft. diameter from the trunk (see booklet pg 35). Page 36 of the Recommendation booklet shows that preservation of the tree and its feeder root radius would result in a reduced development potential on the east half block #3012798 to 59%. Also, the resulting building form would leave an approximate 150ft gap in the Minor streetwall (contrary to zoning code and guideline A-2), the courtyard over the root zone would not be allowed to have typical landscape features and site furniture (contrary to guideline E-2), and the adjusted massing would eliminate the transition stoops along John St (contrary to guideline A-6).

For these reasons the Board *unanimously* agreed the tree-retention scheme had too many significant code and guideline impacts, and *unanimously* supported the proposed site plan that replaces the exceptional tree with 26 additional on-site trees (booklet pg 37), which create a canopy area larger than the existing exceptional tree, at maturity. The Board stipulated the replacement specimen tree at the east end of the mews on Minor, meet specific criteria listed at the Board Recommended Conditions on last page.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) are based upon the departure's potential to better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). At the time of the Final Recommendation meeting, the following departures were requested:

- 1. Street-level Setback (SMC 23.48.014.A.3.b):** In brief, The Code requires structures on certain streets to be setback a maximum of 12 ft. from the property line, and that setback area must meet the landscape provisions of 23.48.024. The applicant proposes a 15 ft. setback along 100% of the Thomas Street frontage of the east half block, to create a generous public café zone, across from the park. The Code also requires any setbacks greater than 12 ft. to be a maximum of 30% of the respective street wall; the proposed mews opening on Fairview Avenue equals 32% of that street wall length.

The Board voted *unanimously* in favor of this requested departure as the proposed seating trellis and setback paving along Thomas Street creates a positive contribution to the public realm, supporting guidelines A-1 and D-1, and the Board agreed the proposed 32% gap on Fairview is substantially in conformance, given that the 5 story wall above the ground level mews opening maintains a strong streetwall (guidelines A-2 and C-2).

Street-level Setback Landscaping % (SMC 23.48.014.A.3.b.1): In brief, The Code requires any setback area to meet landscape provisions of 23.48.024.2, meaning paved surface (hardscape) may not exceed 30% of the setback area. To respond to previous Board direction to create usable stoop patios, the applicant proposes a range of paved surface from 35% to 87% along the 4 streets, and 100% paved at the Thomas Street plaza mentioned above.

The Board voted *unanimously* in favor of this requested departure, and the specific hardscape design shown on the site plan and percentages shown on booklet pg 83, since they promote a flexible, more commercial character along Fairview Avenue, and usable, active stoops along other streets (guidelines A-4 and A-6). The Board did encourage more material patterns and variety, and possibly permeable treatments in those paved areas.

- 2. Alley Setback (SMC 23.48.012.A.2):** In brief, the Code requires structures abutting an alley to provide an upper-level setback for any portion of the structure greater than 25' in height. Section 23.48.012 B further stipulates that the structure shall be setback 1' for every 2' above 25', up to a maximum required setback of 15'. The applicant proposes a highly modulated building edge on both half-blocks along the alley, with deep insets for light and air, yet about 70% of the block length of the east block would technically need a departure.

The Board voted *unanimously* in favor of this departure, since the deep offsets more than compensate for the desired light, air and massing benefits along the alley, that the code requirement intends (guideline B-1).

- 3. Minimum Façade Height On Green Streets (SMC 23.48.014.A.2.b):** In brief, the Code requires a minimum 25 ft. height for the street facing façade along John Street, a designated green street. The applicant proposes the two middle sections along John Street to be 18-21 ft. high, to top of solid parapet, capped by 3'-6" glass guardrails.

The Board voted *unanimously* in favor of this departure, because the guardrails visually extend the wall plane to be almost 22 -25 ft. high, and the modulation and usable roof decks created by the recessed wall plane above, offset the minimal variance from 25 ft. (guidelines A-2 and E-2).

- 4. Street Level Uses on Green Streets (SMC 23.48.014.E.1):** In brief, the Code requires a minimum of 10% of the façades on green streets to be occupied by general sales/services, eating/drinking establishments, or entertainment uses. The applicant proposes to concentrate commercial uses on the southwest and northeast corners, and the resulting percentages of each half block are as follows: all facades are compliant except the east block, south facade = 0%, and the west block, 40 ft. north façade = 0%. However the adjacent half block for each of those is over 10 %: west block, south façade = 27%, and east block, north façade = 100%.

The Board voted *unanimously* in favor of this departure, because the net percentage of commercial façade on each street length provides significant commercial frontage on the two streets. Combining both half blocks means: John Street = 13% and Thomas Street = 75%, thus exceeding the basic 10% intent (guidelines A-4 and D-7).

BOARD DIRECTION

The recommendation summarized below was based on the #3012798 / #3013563 design review booklet dated “meeting date February 13, 2013”, and the materials shown and verbally described by the applicant at the February 13, 2013 Design Recommendation meeting. Except for conditions below, the design should not vary from that shown in the above cited booklet.

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, all five Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

Board Recommended Conditions:

- 1) **Specimen tree criteria:** To meet the replacement canopy and evoke the tree to be removed upon occupancy, the large specimen tree located at the east end of the mews, adjacent to the sidewalk, shall be a multi-stemmed deciduous tree with a 15 ft. minimum diameter canopy at installation, and have a branch and leaf density similar to a Japanese Maple. It should be carefully selected so that at maturity it will not be in conflict with the overhead power lines, and thus not be subject to disfiguring pruning.
- 2) **Unit door Canopies:** To add weather protection and street scale, add small projecting canopies - and integrated signage blades where appropriate – over any ground level unit entrance doors that are not recessed at least 2 feet.
- 3) **Rooftop volumes and landscaping:** To add visual interest to visible volumes, add artful cladding treatments to all rooftop blank walls. To ensure attractive and healthy roof surfaces, specify irrigation and/or plant species that will remain alive and predominantly green (or not brown) during the full year.
- 4) **Panel patterns and planer offsets:** To increase the visual contrast and create real shadow play on key façades, increase the planer offset between white and dark panels to a 4” minimum at the following locations: dark gray vertical ‘zipper’ at the south end of Fairview; dark gray vertical ‘slot’ at the north end of Minor; dark gray top story along entire north face of Thomas on the east half-block portion.
- 5) **Fairview courtyard fence:** Revise fence design to be as light and transparent as possible; revise gates to swing inward; reduce height, recess and/or change shape of support wall.
- 6) **Mews gates:** Revise gate fence design to be as light and transparent as possible; revise pivot gates to be less bulky and visually obstructing, possibly large bi-fold leafs.
- 7) **Lighting:** Add frequent, pedestrian scale, non-glare lighting fixtures along the length of the alley; If light fixtures are provided at unit decks, they shall be down-lighting sconces.

Response to Recommended Design Review Conditions:

- 1) The applicant will install a large specimen tree at the specified location, as shown in the MUP plan set. The proposal meets recommended condition #1.
- 2) The applicant added canopies at the specified door locations, as shown in the MUP plan set. The proposal meets recommended condition #2.

- 3) The applicant added wall patterns and durable roof plantings, as shown in the MUP plan set. The proposal meets recommended condition #3.
- 4) The applicant added plane changes and panel color adjustments at the specific locations, as shown in the MUP plan set. The proposal meets recommended condition #4.
- 5) The applicant revised the courtyard fence, as shown in the MUP plan set. The proposal meets recommendation condition #5.
- 6) The applicant revised the mews gates, as shown in the MUP plan set. The proposal meets recommended condition #6.
- 7) The applicant added alley lighting and clarified all deck fixtures, as shown in the MUP plan set. The proposal meets recommended condition #7.

DECISION – DESIGN REVIEW

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

II. ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated “received: September 25, 2012”. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

PUBLIC COMMENT:

The public comment period ended on November 14, 2012. No SEPA comments were received.

SHORT-TERM IMPACTS

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities, in particular the residences existing across the alley to the west. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

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. If the applicant intends to work outside of the limits of non-holiday weekdays between 7am and 6pm, the applicant will submit a Construction Noise Mitigation Plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings. This must be included in the Construction Traffic Management Plan, required by condition.

Grading

Excavation to construct the structure will be necessary. The maximum depth of the excavation is approximately 20 feet and will consist of an estimated 28,000 cubic yards of material, for each of the two sites (56,000 cubic yards total). The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

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.

Traffic and Parking

Duration of construction of the buildings may last approximately 18 months, if not staggered. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction would likely reduce the supply of parking in the vicinity. Due to the location of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need to provide a Construction Worker Parking Plan to reduce on-street parking. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 56,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on the site and will need to be disposed off-site. Excavation and construction materials will require numerous truck trips, in a congested location with sizable construction occurring across the street. Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours; large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM. This must be included in the Construction Traffic Management Plan, required by condition.

Truck access to and from the site shall be documented in a Construction Traffic Management Plan, to be submitted to DPD and SDOT prior to the issuance of demolition, grading or construction permits. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access adjacent to the project site.

A. LONG –TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; modification to a potential historic resource; possible increased traffic in the area.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater Code which requires on site collection 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 impacts and no further conditioning is warranted by SEPA policies. However, green house gas emissions, historic preservation, traffic and transportation, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Historic Resources

The three existing structures on the two sites are proposed to be demolished. On October 19, 2012, the City of Seattle Landmarks Preservation Board issued a letter (LPB 483/12) stating the existing building at 221 Minor Avenue N is unlikely to meet the standards for designation as an individual city landmark. The buildings at 222 Fairview Avenue N and 230 Fairview Avenue N, were previously evaluated, and at that time the Landmarks Board voted to deny nomination of those two structures. Demolition of the three structures is not a significant impact.

Transportation

A transportation impact analysis dated February, 2013, was prepared for each project by Transpo Group, and the 3013563 project (which had revised uses) was updated on December 12, 2013. The analysis reports the proposed uses of the 2 projects will generate 1340 primary net new vehicular weekday daily trips, with 111 trips occurring during the weekday PM peak hour. The traffic the proposed uses contribute to the roadway system at peak times and the distribution of the traffic from the site does not exceed acceptable volume/capacity ratios.

To mitigate traffic impacts, the project will participate 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 3012798 project proposes to pay a contribution of \$51,703, and the 3013563 project proposes to pay a contribution of \$34,161, based on a pro-rata proportionate share calculation, in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules, and conditioned with this decision.

Parking

The parking demand for the projects was analyzed in the February 2013 report by the Transpo Group. The two project sites are in a dense, walkable urban environment, with good transit availability. Parking demand estimates of the proposed uses were adjusted to reflect the various opportunities for non-auto travel to and from the site. The Institute of Transportation Engineers' Parking Generation manual (4th edition), Urban Land Institute's Shared Parking (2nd edition), and local vehicle-ownership data for the Census tract within which the project site is located were used to estimate residential parking demand.

The residential component of the proposed projects is estimated to generate a peak parking demand of about 335 vehicles, and the peak would occur during the overnight period when residents are home. The retail and work-live components of the project likely will generate a peak demand of about 26 vehicles for short term (customer) and long term parking. Based on the proposed supply of 489 parking spaces in the two on-site parking garages, the estimated total demand of 361 spaces for the two projects would be acceptably met by the development. The majority of this peak demand would occur during overnight hours.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

The proposed action is APPROVED WITH CONDITIONS.

SEPA - CONDITIONS OF APPROVAL

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

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #6, 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.

2. The applicant shall provide DPD with a copy of a **Construction Traffic Management Plan**, including Construction Haul Routes, both aspects approved by Seattle Department of Transportation, plus queuing limitations and time limits on large (greater than two-axle) trucks.
3. An approved **Construction Worker Parking Plan** is required. This shall be provided to the Land Use Planner for review and approval (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

Prior to Issuance of a Building Permit

4. For MUP 3012798 – 221 Minor Avenue N - The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$51,703 to the City of Seattle.
5. For MUP 3013563 – 222 Fairview Avenue N - The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$34,161 to the City of Seattle.

During Construction

6. 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.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

7. 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 (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).
8. 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 (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

For the Life of the Project

9. 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 (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

Signature: _____ (signature on file) Date: December 19, 2013

Garry Papers, M.Arch, NCARB
Senior Land Use Planner
Department of Planning and Development

GP:drm

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