



City of Seattle
Edward B. Murray, Mayor

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: 3014207
Applicant Name: Kirsten Murray with Olson, Kundig Architects
Address of Proposal: 234 Ninth Avenue North

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a 12-story, mixed-use structure containing 11,564 sq. ft. of retail commercial, 153,733 sq. ft. of office, one residential unit and parking for 158 vehicles in a below-grade garage. Project includes 34,866 cubic yards of grading. The existing structure is to be demolished.

The following approvals are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions*

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

* Notice of the Early Determination of Non-significance was published on June 5, 2014.

PROJECT DESCRIPTION

The applicant proposes to design and construct a 12 story structure containing 11,564 sq. ft. of general sales and services, 153,733 sq. ft. of office use and one residential unit. Parking for 158 vehicles would be provided in a below grade garage accessed from the alley.

SITE & VICINITY

The 21,600 sq. ft. rectilinear site fronts onto Thomas St on the north, Ninth Ave N. on the west and an alley to the east in the South Lake Union neighborhood. A relatively flat site, the property does not contain a mapped environmental critical area. Three, one-story early 20th century commercial structures comprise the development site's existing improvements along with a small parking lot at the rear.

The Seattle Mixed zoning surrounds the site with height ranges from 85 to 240 feet depending upon use (SM 160/85-240). The city encourages taller structures one block south across John St.

Newer six story office, institutional, and residential buildings are located nearby, predominantly to the north and west. Additional proposed developments in these areas are going through design review and permitting. Older buildings include one to two story early 20th century and mid-century commercial buildings, and early 20th century residential buildings. A few surface parking lots are located nearby. Across the alley is the 14-year old Sellen Construction building.

The site lies adjacent to a one-story early 20th century commercial building with a surface parking lot further to the south. An early 20th century two-story commercial structure is located across Thomas to the north with a multi-story newer biotech building located to the northeast.

This site is located near the southwest edge of the larger South Lake Union neighborhood, and is referred to as the Denny Park area. The area possesses a diverse mix of buildings and uses.

Denny Park is located one block to the south. Westlake Ave N is located one block to the east, with the streetcar and transit service. Dexter Ave N. is located two blocks to the west and includes a high level of cyclist, vehicle and transit traffic connecting downtown with areas north of the Ship Canal. A few blocks further to the north, the busy arterials of Mercer and Broad Streets provide a clear break with the rest of the South Lake Union neighborhood

ANALYSIS - DESIGN REVIEW

Public Comments

The following comments, issues and concerns were raised:

- The preferred Option 3 is very interesting and provides a pleasant contrast with the newer rectilinear buildings in the area.
- Appreciation for the proposed massing and the goal to preserve light for properties to the north.
- The Christian Science Reading Room program and renovations were designed to maximize natural daylight from the south, and the proposed massing maintains this opportunity.

DPD received one letter concerned about potential air and noise impacts.

GUIDELINES

After visiting the site, considering the analysis of the site and context provided by the proponent, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified highest priority by letter and number from the guidelines found in the City of Seattle’s “Design Review: Guidelines for Multi-family and Commercial Buildings”.

PRIORITIES

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

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

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-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

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

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

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

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

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.

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.

BOARD EARLY DESIGN GUIDANCE:

1. **Massing Options (A-1, A-2, B-1, C-1, C-2, C-3, D-1).** The Board noted that Option 3 is the best response to context and site considerations.
 - a. The Board expressed appreciation for the interesting massing that offers slightly off-set symmetry from 9th Ave N.
 - b. The strong podium relates well to the adjacent context, but should be designed to maximize the sidewalk width and create human scale at the street level.
 - c. The Board supported the intent to design the massing to maximize day light to the north.

2. **Design Concept and Response to Context (A-1, A-2, C-1, C-2, C-3, E-2).** The Board supported the proposed design concept. The facades should be designed in response to existing and future visibility from adjacent street frontages.
 - a. The strong podium design relates well to the adjacent context, but should also be designed to maximize the sidewalk width and create human scale at the street level.
 - b. The Board looks forward to seeing how the proposed design will be adaptable to provide future usability of the building and respond to the sustainability goals.
 - c. All four facades should be carefully designed, given the visibility from nearby street frontages and the likelihood that this may be the only tower on this block.
 - d. The view of the east façade from Westlake will be important, since the parcels to the east are likely to remain lower height. The alley elevation should be treated as a third street frontage, since it's very visible from Westlake Ave N. The location and treatment of elevator and stair towers will be important on this elevation.

3. **Alley (A-3, A-8, D-1, D-6, D-8).** The site size and pedestrian entrance at the alley will offer design challenges for the alley elevation.
 - a. The parking access should be located to minimize impacts to pedestrians at the street frontage and any proposed alley pedestrian entrance.
 - b. The pedestrian entrance at the alley should be designed to be visible from Westlake Ave N. and the mid-block crossing on the east side of the alley.

4. **Street Frontage and Response to Street Context (A-2, A-4, C-1, C-2, C-3, D-1, D-10, D-11, E-1, E-2).** The street level design should respond to the adjacent street conditions, such as nearby proposed development and bicycle routes.
 - a. Retail uses on the northwest corner should be designed to respond to the proposed open plaza to the northwest.
 - b. Use building modulation and articulation to define individual retail spaces, similar to the scale of nearby retail and restaurant spaces.
 - c. 9th Ave N is a bike route. The proposed location for loading and hotel entry drop-off areas should be designed in response to this condition.
 - d. The landscaping should be designed in response to any street concept plans (green streets, etc.) as well as recently permitted development along 9th Ave N, between Mercer Street and Denny Way.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a Design Review and SEPA components on May 7, 2014.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on November 12, 2014 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meetings, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comment

One member of the public affixed his name to the Recommendation meeting sign-in sheet. The speaker conveyed his enthusiasm for the project.

A 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

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

Discussion lighted upon the unprepossessing quality of the Ninth Ave entrance---the lack of landscaping, furniture etc. The Board agreed with the desire to install accent paving in front of the entrance as shown in the Recommendation booklet. This will help differentiate the primary entrance from others on Ninth Ave.

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.

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.

The north elevation received unanimous praise from the Board. The other facades generated considerable debate as to their design merits as they possess less variety and interest than the north elevation. The east façade with its visibility from Westlake requires changes to appear less monolithic. It ought to have greater amounts of glazing to produce a more compelling presence. In addition to the added transparency, consider using such attributes as texture and alterations to the roof height. The applicant will work with city land use staff to review and approve changes to this elevation.

Deliberation also dwelled on the west and south facades. The play of solid and void relationships defining the structure's northwest corner, the visibility of the diagonal bracing and the projection of the penthouse residential unit should generate enough visual interest on the upper west elevation. The south wall has the least amount of visibility. The Board did not recommend revisions to either the west or south elevations.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

C-5 Encourage Overhead Weather Protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

Observing the close proximity of the canopy and street trees along Ninth Ave, the Board noted the potential conflict of these important elements along the streetscape. The development team will need to work with DPD planning staff to arrive at a solution. The canopies cannot be removed from the project; however the dimensions of the canopy and the placement of the trees or the selection of trees can be modified during design development with the approval of DPD.

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

Conveying reservations on whether the loading berth could enable van and truck access in the alley, the Board directed DPD staff to review the turning radius into the two loading berths. Adjustments would potentially need to be made to accommodate trucks prior to city staff enabling the proposed changes to the loading areas. The Board members also encouraged the applicant to secure short term parking on Ninth Ave to provide loading and unloading.

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

Ensure the installation of the paving treatment as shown in the meeting booklet at the building's alley entrance. This provides the continuity between the primary Ninth Ave entry (see Guidance for A-3), the internal mid-block connection and the alley entrance which has access to Westlake Ave.

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

Improve the quality of the lighting along the lower east façade between the sidewalk and the alley entrance. This should ensure a safer alley for both pedestrians and vehicles.

The Board supports the architect's intent to light the board formed concrete wall fronting the Thomas St. sidewalk. To ensure the installation of lighting in this location, this Board recommends approval of a condition in the MUP Decision.

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

- 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.

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.

A raised porch or stoop extends parallel to the Thomas St. sidewalk establishing an intermediary exterior zone between the right of way and the retail development fronting the street. Its presence recalls loading docks for train loading in older warehouse districts which have been converted over the years into outdoor cafes or amenity spaces. Due to the change in grade, the height of the stoop increases as it approaches the alley. Discussion focused primarily on the two sets of steps and the challenges posed by the porch's height. The deliberation resulted in two conditions modifying the steps or areas adjacent to them. First, shift the steps away from the alley by at least two feet to ensure the safety of pedestrians exiting the porch and entering the alley. In addition, eliminate the low wall facing the sidewalk to express or reveal the risers and treads in elevation. Second, increase the area between the last riser and the retail space to enhance circulation along the porch at the wider steps closer to the corner of Ninth and Thomas.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the November 12th, 2014 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the November 12th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMEND-ATION
1. Street Level Development Standards SMC 23.48.014	Except on Class I pedestrian streets, as shown on map B, structures may be set back up to 12' from the property line subject to the setback shall be landscaped according to the provisions of SMC 23.48.024. A maximum 30% of the area can be hardscape.	Proposes 94% hardscape.	<ul style="list-style-type: none"> ▪ Provides a 117.75' long stoop or porch mediating between the commercial spaces and the Thomas St. sidewalk. 	Approved

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

- 1) Ensure the installation of accent paving in front of the primary Ninth Ave. entrance as shown in the Recommendation booklet. This will help differentiate the primary entrance from other entries on Ninth Ave. (A-3)
- 2) Increase the amount of glazing on the east elevation to produce a more compelling presence from Westlake. In addition to the added transparency, consider using such attributes as texture and alterations to the roof height or line. The applicant will work with city land use staff to review and approve changes to this elevation. (C-2)
- 3) Avoid potential conflict between the overhead weather protection and the street trees along Ninth Ave. Work with DPD and SDOT staffs to arrive at a solution that ensures that the canopies' installation. Dimensions of the canopy and the placement or selection of trees can be altered during design development with the approval of DPD. (C-5)
- 4) Ensure the installation of the alley entrance paving treatment as shown in the Recommendation meeting booklet. This provides the continuity between the primary Ninth Ave entry, the internal mid-block connection and the alley entrance which has access to Westlake Ave. (D-8)
- 5) Improve the quality of the lighting along the lower east façade between the sidewalk and the alley entrance to ensure a safer alley for both pedestrians and vehicles. (D-10)
- 6) Light the board formed concrete wall fronting the Thomas St. sidewalk. (D-10)
- 7) Shift the exterior steps away from the alley by at least two feet to ensure the safety of pedestrians exiting the porch to the alley. In addition, eliminate the low wall facing the sidewalk to reveal the risers and treads in elevation. (E-2)
- 8) Increase the area between the last riser and the retail space to enhance circulation along the porch at the wider steps near the corner of Ninth and Thomas. (E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the five Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 7, 2014. 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.

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 Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. The site lies within a high impact area due to extensive construction as defined by the Seattle Department of Transportation. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. 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.

Prior to issuance of demolition, grading and building permits, 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. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

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.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, pursuant to SEPA authority under SMC 25.05.675A, a copy of the PSCAA permit shall be attached to the demolition permit. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Excavation to construct the mixed use structure will be necessary. Excavation will consist of an estimated 34,866 cubic yards of material. 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. Future phases of construction will be subject to the same regulations. 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 apartment building may last approximately 18 months. 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).

The construction of the project 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 34,866 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 3,486 round trips with 10-yard hauling trucks or 1,743 round trips with 20-yard hauling trucks. Considering the large volumes 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 between 3:30 and 6:00 PM.

Due to the multiple development projects on this city block, DPD and SDOT will need to review potential sidewalk and street closures in order to ensure pedestrian and vehicular safety during project construction. A transportation route plan shall be provided to DPD and SDOT; this plan shall document proposed truck access to and from the site, and shall indicate how pedestrian connections around the site will be maintained during the construction period.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

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

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control 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, due to the size and location of this proposal, greenhouse gas emissions, historic preservation, traffic and parking impacts warrant further analysis.

Greenhouse Gas Emissions

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

Historic Preservation

The existing buildings on the subject site were reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing structures would meet the standards for designation as individual landmarks.

Traffic and Transportation

Heffron Transportation, Inc, the applicant's transportation consultant, estimates that the proposed mixed use development would generate approximately 1,100 net new vehicular weekday trips including 134 net new PM peak hour trips.

The 9th Ave N./ Thomas St. intersection is projected to operate at Level of Service (LOS) F in the stop controlled directions under future peak hour conditions without the project; the project is expected to add delay to this intersection. This reflects cumulative conditions with future increases in traffic expected on the east-west streets due to the new crossings of Aurora Ave, as well as traffic generated by redevelopment of Blocks 93, 52 and 45 to the north. The consultant recommends changes in traffic control to improve traffic operations.

The Westlake Ave N./Thoms St. and Thomas St./Alley intersections are both projected to operate at LOS B or better during both peak hourse, with or without the project.

Parking

The project will have a parking supply of 158 spaces in a below-grade garage. The project proposes to supply 158 parking spaces, which would comply with Seattle Municipal Code section 23.48.032 which sets a maximum parking limit of 1.0 space per 1,000 sq. ft. for non-residential uses. The projected peak parking demand of 241 vehicles would exceed an on-site parking supply of 158 spaces. Some of the excess parking demand generated by the project could be accommodated by nearby parking lots. However, these spaces would likely be lost to redevelopment, which may force more of the commuters at the site to use alternative modes of travel. In order to achieve a parking rate of 1.0 space per 1,000 sq. ft. of space, the office uses would need to target a vehicle use rate of 31 percent. Transportation management plan programs (TMP) in the neighborhood combined with lower on-site parking supply would likely achieve this rate.

The proposed TMP would act to reduce commute trips and parking demand. The applicant's goal is to reduce single-occupant vehicle trips to 41 percent of all trips at opening, reducing to 31 percent within five years of opening to lessen the potential parking overflow. The proponent's plan to limit on-site parking for office use to less than the code-allowed maximum of 1.0 space

per 1,000 sq. ft. would be the key measure to reduce commuting by personal vehicle. The following measures are proposed as a part of the TMP.

1. Provide a transportation coordinator to manage and promote the TMP
2. Install commuter information center in the building lobby.
3. Require tenant participation in the TMP
4. Conduct biennial survey of TMP effectiveness and submit regular reports about TMP elements as required by the city of Seattle.
5. Subsidize employee transit passes.
6. Provide ride-match information.
7. Provide reserved parking spaces for vanpools.
8. Provide shower and locker facilities for commuters who walk or bike to work.
9. Provide bike storage in an easily-accessible bicycle corral in a covered location with good lighting.

The South Lake Union Transportation Study developed by the Seattle Department of Transportation, provides a comprehensive, multi-modal plan for the area's transportation system, and is intended to serve as a blueprint for financing and prioritizing SDOT's capital investments in the South Lake Union area. Traffic from the proposed development is expected to impact several locations where these capital investments are planned. To mitigate these impacts, the development is required to help fund proximate capital projects identified in the SLU Transportation Study on a pro-rata basis. The total amount of this pro-rata contribution is \$85,305. Therefore, the project will be conditioned to pay this amount prior to issuance of a building permit.

Summary

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

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

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

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance

Revise plans sets to show:

1. Increase the amount of glazing on the east elevation to produce a more compelling presence from Westlake Ave. In addition to the added transparency, consider using such as attributes as texture and alterations to the roof height or line. The applicant will work with city land use staff to review and approve changes to this elevation.
2. Avoid potential conflict between the overhead weather protection and the street trees along Ninth Ave. Work with DPD and SDOT staffs to arrive at a solution that ensures the canopies' installation. Dimensions of the canopy and the placement or selection of trees can be altered during design development with the approval of DPD.
3. Improve the quality of the lighting along the lower east façade between the sidewalk and the alley entrance to ensure a safer alley for both pedestrians and vehicles.
4. Light the board formed concrete wall fronting the Thomas St. sidewalk.
5. Shift the exterior steps away from the alley by at least two feet to ensure the safety of pedestrians exiting the porch and entering the alley. In addition, eliminate the low wall facing the sidewalk to reveal the risers and treads in elevation.
6. Increase the area between the last riser and the retail space to enhance circulation along the porch at the wider steps near the corner of Ninth and Thomas.

Prior to Commencement of Construction

7. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to Issuance of a Certificate of Occupancy

8. Ensure the installation of accent paving in front of the primary Ninth Ave. entrance as shown in the Recommendation booklet. This will help differentiate the primary entrance from other entries on Ninth Ave.
9. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 206.615-1392). An appointment with the assigned Land Use Planner must be made at least five (5) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

10. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce Rips, 206.615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

CONDITIONS – SEPA

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

11. A transportation management plan shall be provided to DPD and SDOT; this plan shall document: proposed truck access to and from the site, pedestrian connections around the site during the construction period, and construction worker parking.
12. The development is required to help fund proximate capital projects identified in the South Lake Union Transportation Study on a pro-rata basis. The total amount of this pro-rata contribution is \$85,305. Payment of the \$85,305 shall occur prior to issuance of a building permit.

During Construction

13. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 3:30 and 6:00 PM.
14. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M:
 - A. Surveying and layout.
 - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
15. In addition to the Noise Ordinance, requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - A. Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
16. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Prior to Issuance of a Certificate of Occupancy

17. Install commuter information center in the building lobby.
18. Provide reserved parking spaces for vanpools.
19. Provide shower and locker facilities for commuters who walk or bike to work.
20. Provide bike storage in an easily-accessible bicycle corral in a covered location with good lighting.

For the Life of the Project

21. Provide a transportation coordinator to manage and promote the TMP.
22. Provide a commuter information center in the building lobby.
23. Require tenant participation in the TMP.
24. Conduct biennial survey of TMP effectiveness, and submit regular reports about TMP elements as required by the city of Seattle.
25. Subsidize employee transit passes.
26. Provide ride-match information.
27. Provide reserved parking spaces for vanpools.
28. Provide shower and locker facilities for commuters who walk or bike to work.
29. Provide bike storage in an easily-accessible bicycle corral in a covered location with good lighting.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: Betty Galarosa for Date: August 20, 2015
Bruce P. Rips, AAIA, AICP
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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