



City of Seattle

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3014366

Applicant Name: Jake McKinstry, Spectrum Development Solutions, for GVEST
12th and Yesler

Address of Proposal: 103 12th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 5-story, 120 unit residential building with 4,501 sq. ft. of retail commercial space at grade. Parking for 48 vehicles will be located within the structure.

The following approvals are required:

SEPA Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)

Design Departure Granted: SMC 23.48.014A-- requires a 15-foot setback for portions of the building above 13 feet in height along the rear property line, required because the site abuts a residential zone. The applicants are proposing a 10 foot setback all along the entire west property line.

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

[X] DNS with conditions

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

BACKGROUND INFORMATION:

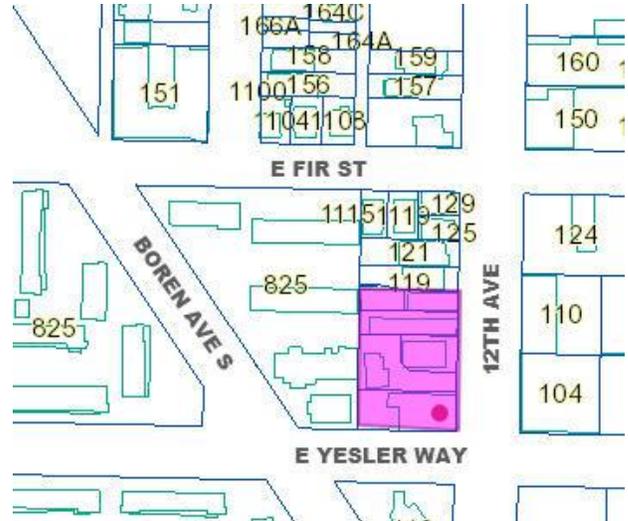
The site, located along the western side of 12th Avenue, at the intersection of E. Yesler Way, is . rectangular is shape. The site is composed of 5 underlying parcels, totaling 23.059 sq. ft. It slopes approximately 6 feet from the southeast corner as it rises north along 12th Avenue. The site, previously developed, is currently vacant. Zoning is NC3P-65, Neighborhood Commercial, with a Pedestrian overlay and a 65-foot height limit.

Directly across 12th Street are three single-story commercial buildings, the largest of which houses manufacturing facilities and warehousing for Seattle Curtain Manufacturing.

Directly abutting the property along the west property line and extending along Boren Avenue between E. Yesler Way on the south and E. Fir Street on the north is the soon-to-be-developed site of Seattle Housing Authority’s 1105 E. Fir Street project. This project will consist of a six-story apartment building and three townhouse structures containing a total of 100 residential units. The large area west and south of the site across Boren Avenue is comprised by Yesler Terrace, a public housing development scheduled to be entirely rebuilt and redeveloped over the next twenty years.

Bailey Gatzert Elementary School occupies an expansive site extending between E. Yesler Way and S. Main Street and between 12th Avenue S. and 14th Avenue S. The school property begins just diagonally across the intersection of E. Yesler Way and 12th Avenue from the subject site. The area is characterized with a variety of commercial and residential structures, some of them housing human and social services. Architectural styles in the area are mixed vernacular and revival styles. Although most do not particularly stand out, they are not necessarily devoid of character. Washington Hall, a City of Seattle Landmark structure, is located a block away, north and east of the site. Constructed as a cultural and social gathering place for the Danish Brotherhood in 1908, the building has served as home for a diverse number of ethnic and cultural groups. Among other important functions, it has served over the years as a historically important music venue and public dance hall.

The site abuts the right-of-way for 15th Avenue West, a high speed major arterial, on the east, and 16th Avenue W. on the west. It is directly south of the Interbay Veterinary Care Center, and is directly north of Friedman & Bruya, an environmental chemist business. Interbay Athletic Fields, the site of Seattle Pacific University’s soccer stadium, is located south of the site. Parking for the proposed new development will be located partially below grade and will be accessed from Yesler 16th Avenue West.



Project Proposal

The goal of the applicant is to construct a mixed-use building with an area of enclosed, parking partially below grade and accessed from E. Yesler Way. Some 4,000 square feet of retail commercial space would be provided, primarily along 12th Avenue. The structure would contain five floors of residential units, designed with “work-force” housing in mind. Parking would be provided at a ratio of .48 spaces per residential unit. The building would include approximately 100 units, some containing two bedrooms. Ample parking is proposed for bicycles. Private amenity areas, including a roof-top garden, recreation area and dog run would be included.

PUBLIC COMMENT

The official public comment period for this proposal ended on May 8, 2013. The City received no written comments regarding the project; additional public comments were elicited at each of the Design Review meetings. Specific comments from those meetings are included under the Design Review analysis discussed below.

ANALYSIS – DESIGN REVIEW

Early Design Guidance Meeting –February 13, 2013

Architects’ Presentation

After the brief introduction of the vision and scope of the project by the developer, the architectural team presented three alternative design schemes, each which included a structure generally occupying the entire site and calculated to meet a variety of goals, including:

- Anchoring the corner of 12th Avenue and E. Yesler Way so as to create a “gateway” experience to the neighborhood and the 12th Avenue corridor;
- Creating a vibrant urban street experience;
- Activating the street edges, in particular by adding to the 12th Avenue commercial corridor and enhancing the pedestrian experience there;
- Responding to the 1105 E. Fir Street project, in particular to the open courtyard of the project to be built due west of the subject site;
- Targeting the “work-force” housing market; and
- Seeking LEED ® silver certification for the building.

The first scheme (Massing “Option 1”) showed a rectangular “doughnut” with a compressed day-lit courtyard offset slightly to west of center. Both the ground floor and upper portions of the building were fitted snugly to the property lines. While creating a continuous face to 12th Avenue, the west façade did not appear to respond at all to the 1105 E. Fir Street development nor did the prominent southeast corner suggest a “gateway” in any particular sense.

The second scheme (Massing “Option 2”) was “C” shaped as it addressed 12th Avenue above its street-level base. While providing for the enhancement of a pedestrian experience at street level along 12th Avenue, the upper units at the middle of the façade were removed, allowing for greater light into the center of the structure. The scheme showed its backside to the E. Fir Street development, with no spatial or visual interaction with the neighbor to the rear.

The third scheme (Massing “Option 3”), the preferred option embraced by the design/development team, showed an “C” shaped scheme with its hollowed portion open to the west. The building base was set back along both 12th Avenue and E. Yesler Way, allowing for wider sidewalks. The upper building massing was set 3 feet forward of the base, except at the southeast corner where the vertical indentation aligned with the retail plane allowed an opportunity for a distinctive corner or “gateway” element. This scheme was said to allow for a building that related strongly to its west neighbor, strongly held itself to the two street fronts, providing for an engaging street-level retail base, and presented a potentially distinguished corner.

Design Departure Request

The applicant noted that the preferred scheme would need a departure from the development standard (SMC 23.47A.014) that requires a 15-foot setback for portions of the building above 13 feet in height along the rear property line, since the site abuts a residential zone. The applicants propose a 10 foot setback all along the west property line.

The presentation concluded with further comments regarding the departure quest and a brief explanation of how the reduced setback, in tandem with the open, west-facing courtyard and other concessions to the 1105 E. Fir Street development, would better meet the intent of the design review guidelines, in particular A-5, A-7, A-10, B-1, C-2 and E-2. Special thought and care had been given to offset and minimize any impacts on the privacy of residents who would be living in the adjacent Seattle Housing Authority (SHA) buildings. It was stated that SHA was supportive of the proposed preferred design option and of the requested departure.

Following the design team’s presentation, the Board asked some clarifying questions, notably: 1.) Whether there was anything in writing that showed SHA’s support of the requested departure and 2.) Whether there would be actual access between the project and the 1105 E. Fir Street courtyard and open space?

At that juncture, Tom Eanes, senior development manager at SHA, acknowledged SHA’s support of the design and the requested departure. He explained how the design teams for each project had been engaged in coordinating window alignments for the two projects to enhance privacy concerns for each of the developments. He noted that SHA would offer something in writing to the Board if that were deemed necessary. Regrettably, Mr. Eanes commented, there would not be any cross-access between projects, since SHA property management would not allow this.

PUBLIC COMMENT

Approximately fourteen members of the public attended this Early Design Review meeting and affixed their personal information to the sign-in sheet so as to become parties of record for the project. About six different members of the community provided public comment on the proposal, which included:

- One neighbor noted that the commercial strip along 12th Avenue didn't stop at E. Yesler Way and the project should recognize the connection south of there to "Little Saigon."
- Another asked whether the west-facing courtyard might be accessed from the commercial spaces along 12th Avenue. (In response the design team noted that the courtyard was not at the same level as the commercial spaces and that it was intended only for use by the residents.)
- Someone acknowledged approval of the widened sidewalk, but wanted the design team to make sure that the proposed sidewalk "was a sidewalk." "Look at signage, study the location of dumpsters and any potential for garage-entry/ pedestrian conflicts."
- Another person wanted to make sure that awnings of other overhead weather protection was provided along the sidewalk for pedestrian comfort.
- One person was concerned about the safety of the dog-run area on the rooftop.
- Several people commented on the desirability of providing smaller retail spaces which in turn might provide for more affordable retail in the area.

Board Recommendations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following comments relating to the proposal.

- An agreement among the Board members that Scheme 3 offered the most promise.
- It was generally agreed by the Board members that the courtyard opening was too narrow, at least at its opening: "too much of a keyhole." It was important to provide further studies that clearly show the visual relationships between the 1105 E. Fir Street open spaces and courtyard and the 103 12th Avenue inner courtyard. This was especially important since the connection between the two projects was to be a visual connection rather than an actual physical connection. "Show the views, both in and out."
- The west elevation was generally considered to be drab, "flat," and lacking the playfulness implied in both the E. Yesler Way and 12th Avenue elevations. It was extremely important for the success of the project to bring some of the vibrancy and playfulness of the other facades to its west-facing face. The Board wanted to understand the materiality of the wall. It should not be seen to be an "institutional wall."
- At the street levels, both along E. Yesler and 12th Avenue, it was important to instill a "greater granularity" which could consist in smaller retail bays and sharper contrasts between solids and voids, or between colors, or both. Signage was an important part of a successful equation. The design of the retail front needed to be "taken to the next level": "make it exceptional."
- The Board was in favor of the *allee* of trees along the western edge, and would like to see fuller details in a refined landscape plan at recommendation time.
- Provide several sections to reveal the relationship of the proposed structure to existing and proposed grades, especially between the levels of the two courtyards and through the parking area and building to the sidewalk along 12th Avenue.
- Provide details of how the building courtyard works as both residential amenity and visual link to project to the west.
- Provide more street-level renderings of the proposed structure.

- Explore both the solar access within the proposed building courtyard and the effect of solar access and shadow on the development to the west.
- Overhead weather protection along the E. Yesler Way side is of important because of prevailing weather patterns.
- The appearance of a recessed corner element, whether gateway or simply a celebration of the intersection two important wayfaring paths, was a strong architectural move and feature of the preferred scheme. It should be enhanced and detailed as the project design continues.
- Provide examples of proposed finish materials at the Recommendation Meeting.

DEVELOPMENT STANDARD DEPARTURES

The Board indicated support of the requested departure in concept but noted that the recommendation regarding any requested departure(s) would be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board's recommendations regarding any departures will be reserved until the recommendation meeting. Specifically, the Board would like to see studies (and possible changes to the west courtyard), an enhanced and more thoughtful west façade, and retail frontages revisited, refined and made exceptional.

PRIORITIES AND EARLY DESIGN GUIDANCE

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board provided the following siting and design guidance. The Board identified the following Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project: A-7, A-8, A-10, B-1, C-2, C-3, C-4, C-5, D-4, D-5, D-6, D-7, D-9, D-10, D-11, E-1 and E-2.

It should be noted that, although specific guidelines have been identified to be of highest priority for the success of the project, unless physically not applicable to the actual proposal, all of the design guidelines contained in the document are pertinent to a successful design.

A-7 Residential Open Space

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

As noted in the Board's comments, the correspondence between the building courtyard and the plaza and open space of 1105 E. Fir Street was of paramount importance for the success of this project.

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.

There should be ample clues to reinforce that the parking driveway is meeting and accommodating the sidewalk, not the other way around.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

As noted above in remarks under the Board's deliberations, in-setting the corner from the two street facades was a strong architectural move and to be kept and refined.

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development....Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale...

The Board would like to see the complementarities between the proposed project and the 1105 E. Fir Street designs made more understandable through sections, solar access studies, view studies from one project to the other.

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.

The Board selected this guideline to be of special urgency in attempting to integrate the attractive energies conveyed in the street facades with that of the west façade. It was also applicable to issues of the location, size, proportions, and site-line relationships related to the proposed structure's west-facing courtyard.

C-3 Human Scale

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

The Board was especially interested in seeing details of the interactions with the retail spaces from the pedestrian, eye level perspectives along 12th Avenue and E. Yesler Way.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, patterns, or lend themselves to a high quality of detailing are encouraged.

Architectural materials, scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board was not prescriptive regarding materials, but would expect to see a choice of durable and sustainable materials and to be presented with samples of proposed colors and materials at the subsequent recommendation meeting. The handling of materials, colors, and detailing were of particular concern on the west façade.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Pedestrian comfort and security were of special concern. Pedestrian paths should be sufficiently lighted and should be protected from the weather. Motor vehicles should be treated as intruders within this realm and architectural treatment and clues should indicate as much.

D-4 Design of Parking Lots Near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk...

This guideline should be viewed in concert with guidelines C-5 and D-5

D-5 Visual Impacts of Parking Structures

Visibility should be minimized....

As with D-4, this guideline is not strictly applicable, but should be considered with C-5 as a directive to minimize as far as possible the disruptive impacts of vehicles crossing the sidewalk.

D-6 Screening of Dumpsters, Utilities and Service Areas

...locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible....

The guideline was offered as both a caveat from the Board, indicating their expectations of what they would consider a successful design, and a request for additional information regarding the location and treatment of such service elements at the time of the recommendation meeting.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

This was a high expectation of the Board, but without further specificity.

D-9 Commercial Signage

Signs should add interest to the street front environment....

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.

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.

Each of the three above Guidelines was singled out by the Board as being of highest priority for the success of the project under review. Adherence to these guidelines would help to achieve the “greater granularity” they had requested in asking for smaller scaled retail bays and an overall “exceptional” design of the retail front, a design “taken to the next level.”

In addressing these issues, the Board would also ask for graphics that conveyed a sense of the experience of the building and its immediate environment from an eye-level view at the ground plane.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscape should reinforce the character of neighboring properties and abutting streetscape.

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.

In citing the above two guidelines the Board stated that they were affirming the direction in which the design team gave indications of going, that of enhancing the interface of between the subject proposal and the 1105 E. Fir Street development soon to be under construction. At the recommendation meeting the Board would be expecting a landscape plan that conveyed details of this as well as of the building's west courtyard, the two streetscapes, and the rooftop amenity area.

Recommendation Meeting –July 10, 2013

Exceptional Trees

The meeting began with the Land Use Planner explaining to Board, applicants and public in attendance that subsequent to the Early Design Guidance meeting on February 13, 2013, the Department had identified two “exceptional” trees on the development site. This, discovery, occurring after the EDG meeting, when basic siting and massing configurations are normally discussed and given direction, created a situation that was awkward at best for all parties involved. The Land Use Code provides that when exceptional trees are encountered on site, the Design Review Board should weigh in alternatives in siting and the granting of departures to try to accommodate both development and the protection of the tree(s), or to recommend that the trees not be considered for retention. An exceptional tree may be removed only if avoiding development in the tree protection area could not be achieved by development adjustments or departures through design review and/or a deduction in required parking spaces. Relying on an arborist report several months old, the applicants had accepted the advice that there were no exceptional trees on site. Since that time the arborist report had been updated and the two trees re-measured, resulting in the new determination.

As explained at the meeting by the project's arborist, the tree at the east edge of the property was not particularly robust, but the tree located along the western property line held greater chances for survival, except that nearly half of its protection zone lay across the property line. The project at 1105 E. Fir Street will encroach on the root system of the big leaf maple, and it is not likely the tree will thrive once that occurs. Saving the big leaf maple would require a redesign of the project at 1105 E. Fir Street, which has already undergone City review and approval, as well as re-design of this proposal.

Further, saving the fir tree would be difficult because it is located right at the sidewalk edge but growing well above the sidewalk grade. Guidelines previously cited by the Board as of highest applicability to the project, Guidelines A-10 and C-2, called for establishing a coherent street wall both at grade in the upper stories along 12th Avenue. This would also be in keeping with the neighborhood commercial zoning of the site. Likewise, Guideline E-2 had called for establishing a coherent urban streetscape design with aligned street trees. A sizeable portion of the retail space desired along the 12th Avenue front would no longer meet the Code and practical requirements for depth of commercial space. In addition to the practical difficulties of an attenuated root system, re-designing around the big leaf maple would necessitate an awkward relationship between the open space of the project and that of the planned courtyard at 1105 E

Fir Street, rather than the syndetic and harmonious relationship called for by the Board at the EDG meeting (see Guideline, E-2). In addition, the parking garage would have to be reduced in size, affecting not only the parking count but ramping configurations and necessitating, quite probably, a reduction in commercial area on the ground floor as well as the allotted residential amenity space.

The landscape architect for the project pointed out that the proposal was to replace these two trees with 21 new trees. The total caliper inches of the two removed trees is 71.5 inches, while the total caliper inches of the replacement trees at planting would be 76.5 inches.

The Board unanimously wanted to go on the record, as protesting the awkwardness of the situation they had been placed in. Because of this late date in design development the Board's review the removal of the trees was all but a *fait accompli*. The Board affirmed, however, that it would be acceptable to remove the two trees in question as long as the City accepted the applicant's evidence and agreed to their reasoning.

Architects' Further Presentation

The applicants' presentation proceeded with a re-emphasis on the objectives set out at the EDG meeting and indicated how the developed design maintained that strong sense of direction while responding to the identified Guidelines and guidance that had been given by the Board. The residential portion of the structure continued to target the "work force" housing market. A strong visual element anchored the corner of 12th Avenue and E. Yesler Way; the 12th Avenue street edge added to the existing 12th Avenue commercial corridor and enhanced the pedestrian experience there; the project responded to the 1105 E. Fir Street project, in particular to the open courtyard of that project.

The elaborated design was that of the preferred third scheme (Massing "Option 3") from the EDG meeting, showing a "C" shaped scheme with its hollowed-out portion open to the west. The building base was set back along both 12th Avenue and E. Yesler Way, allowing for wider sidewalks. The upper building massing was set 3 feet forward of the base, except at the southeast corner where the vertical indentation aligned with the retail plane and allowed an opportunity for a distinctive corner or "gateway" element. This scheme was said to allow for a building that related strongly to its west neighbor, strongly held itself to the two street fronts, and provided for an engaging street-level retail base, while presenting a potentially distinguished corner.

A notable feature of the developed plans was the random placement of a number of canted and protruding window bays, perhaps a dozen in all, set within the 5 residential floors along both Yesler and 12th Avenue.

Design Departure Request

As indicated at the EDG meeting, the proposed scheme would need a departure from the development standard (SMC 23.47A.014) that requires a 15-foot setback for portions of the building above 13 feet in height along the rear property line, required because the site abuts a residential zone. The applicants are proposing a 10 foot setback all along the entire west property line.

PUBLIC COMMENT

Approximately six members of the public attended the meeting. As he had at the EDG meeting, Tom Eanes, senior development manager at the Seattle Housing Authority (SHA), acknowledged SHA's continued support of the project, its design and the requested departure. He explained how the design teams for each project had been continuously engaged in coordinating window alignments for the two projects to enhance privacy concerns for each of the developments. Regrettably, Mr. Eanes commented, in response to Board members' questions about interpenetrability of the adjacent projects, there would not be any cross-access between them, since SHA property management would not allow this.

Another member of the public, generally in favor of the design of the project, encouraged the design team to provide some genuine shadow lines around the residential windows and to design the retail space so that it could be broken down into 500 square foot chunks.

BOARD'S DELIBERATIONS

At the beginning of their deliberations, the Board members identified some areas for further discussion: the trees, the various façade treatments, the materials, the open space/courtyard, the articulation of the "gateway" corner element at the corner of 12th Avenue and Yesler, and the requested setback departure.

- Regarding the trees, the Board once again voiced their displeasure and frustration at being informed of the status of the trees at this late date. Given what they had been told, nevertheless, they would recommend the removal of the trees as long as the City concurred that there were at this time no viable alternatives to the removal of the trees.
- After some discussion the Board agreed that the colors and materials of the various facades seemed appropriate to the project. They agreed that the canted bays gave vitality to the building and that the touches of accent color and the shadows of the bays gave some welcome relief to the two street-facing facades. It was noted that, in concert with one of the remarks during the public comment period, even a modicum of relief and shadow-line at the windows' edges could contribute to an even livelier façade.
- It was noted that the renderings on pages 29 and 31 in the presentation packets perhaps conveyed a sense of more activity in and animation of the central courtyard that that conveyed in the "Courtyard Plan" shown on p.27, where the heart of the open space was filled with bio-retention planters and a network of metal runnels. That reality heightened the need for the rooftop open space to be designed in such a way as to function as a true amenity for the residents of the building. Although the west elevation was thought to be too "drab," and "flat," at the EDG meeting, it was conceded by the Board that the yellow accent panels and broader strokes of yellow within the courtyard itself had done much to enliven the space.

- After further discussion regarding the “gateway” treatment of the corner of the building at Yesler and 12th, the Board agreed that a strong vertical sweep suggested in a sketch of the corner shown at the EDG meeting had been lost in the currently proposed design. The verticality had been compromised by the six horizontal bands that defined the floors and provided the base of the windows. At the EDG meeting the Board had noted that “the appearance of a recessed corner element, whether gateway or simply a celebration of the intersection of two important wayfaring paths, was a strong architectural move and feature of the preferred scheme. It should be enhanced and detailed as the project design continues. “The Board stated it was their intention to condition their approval of the design and of the requested departure by requiring the design team to work with DPD’s Planner to achieve a design that would effectively restore the more strongly vertical feel they believed the corner element needed. (Since the time of the meeting, both the applicant and design team have worked to restore a vertical look to the tower, one more in keeping with what the Board had requested.)

DEVELOPMENT STANDARD DEPARTURE

After acknowledging their support and approval of the design, with the tweaks noted, the Board indicated their recommendation of approval of the requested setback departure, noting that, as proposed and treated, it better met the intention of the guidelines by providing a better edge and relationship to the development proposed west of its property line, following the intentions of Guidelines B-1 and C-2.

ANALYSIS & DECISION- DESIGN REVIEW

The design review process prescribed in Section 23.41.014F of the Seattle Municipal Code and describing the content of the DPD Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board recommendation:

- a. Reflects inconsistent applications of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- e. Conflicts with the requirements of state or federal law.*

Director’s Analysis and Decision

Five members of the Design Review Board provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that would be critical to the project’s overall success. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made at the Recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board’s conclusion that the proposed project as presented at the July 10, 2013 meeting would result in a design that best meets the intent of the

applicable Design Guidelines. Therefore, the Director accepts the Design Review Board's recommendations regarding the removal of the trees on site and their approval of the design, predicated upon a favorable redesign of the corner tower element to impart a greater sense of verticality to the architectural feature, and **APPROVES the proposed design and the requested departure.**

Design Review Conditions

See below.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project exceeds the 12,000 square feet size threshold.

This site was originally looked at as part of the *Yesler Terrace Redevelopment*, Draft (2010) and Final EIS (2011). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated April 10, 2013. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist which was submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SM C 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations.

Short-Term Impacts

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

- The applicant estimates approximately 4,500 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, and removal of debris and regulates obstruction of the pedestrian right-of-way.
- PSCAA regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

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

Drainage

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

Earth - Grading

Construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 4,500 cubic yards of material. A Geotechnical Report by GeoEngineers, dated March 16, 2012, was submitted with this

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

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips.

During demolition and construction, the existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks to minimize the amount of spilled material and dust from the truck bed en route to or from a site.

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

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

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

Noise

All construction activities are subject to the limitations of the Noise Ordinance. However, given the proximity of the site to existing residential uses, additional restrictions are warranted. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 a.m. to 6 p.m. and to Saturdays between 9 a.m. No construction will be permitted on Sundays. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Greenhouse Gas Emissions

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves, result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long-Term Impacts — Use-Related Impacts

Height, Bulk and Scale

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

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

In addition, the Policy states that:

“A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”

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

Traffic and Parking

The proposed development is estimated to generate approximately 798 2-way trips per day for residential use and an additional 107 2-way trips per commercial uses. Peak volumes are expected to occur during typical peak hours of 6:00 a.m.-8:00a.m and 4:00p.m. to 6:00p.m. While these impacts may be adverse, they are not expected to be significant as they affect existing and future 2014 conditions. The project is close to transit and will provide 32 interior bike storage spaces and a bicycle repair area to encourage alternatives to single occupancy vehicle use. No further mitigation through SEPA authority appears warranted.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. It is estimated that over the lifetime of the projects, emissions of CO₂ directly attributable to the project would be 6,721,885 MTCO₂e. While these impacts are adverse, they are not expected to be significant.

DECISION — STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

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

CONDITIONS DESIGN REVIEW

Prior to issuance of the MUP permit

1. *The MUP architectural plans shall be updated to include colored elevations and other plans that show the approved configuration and treatment of the tower element at the corner of 12th Avenue and E. Yesler Way.*

Prior to Issuance of a Certificate of Occupancy

2. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of July 10, 2013, except for any alterations made in response to the recommendations of the Board and incorporated into the plan sets re-submitted to DPD prior to issuance of the Master Use Permit. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, and landscaping, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner shall be made at least five (5) working days in advance of the inspection.

