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 & DEVELOPMENT

Application Number: 3015947

Applicant Name: Jodi Patterson O'Hare for Republican Arms, LLC

Address of Proposal: 501 Fairview Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 12-story, 278,000 sq. ft. high-rise office building with 6,000 sq. ft. of retail at ground level in an environmentally critical area. Parking for 392 vehicles provided below grade. Review includes 40,000 sq. ft. of demolition of existing office and four residential structures.

The following Master Use Permit components are required:

Design Review Departures (Seattle Municipal Code 23.41)

Development Standard Departure to allow setbacks greater than 12' from the street lot line. (SMC 23.48.014.D)

Development Standard Departure to allow paving in setbacks from the street lot lines. (SMC 23.48.024)

Development Standard Departure to allow less than the required loading berth length. (SMC 23.54.035)

Special Exception to Exceed Maximum Parking (Seattle Municipal Code 23.48.032)

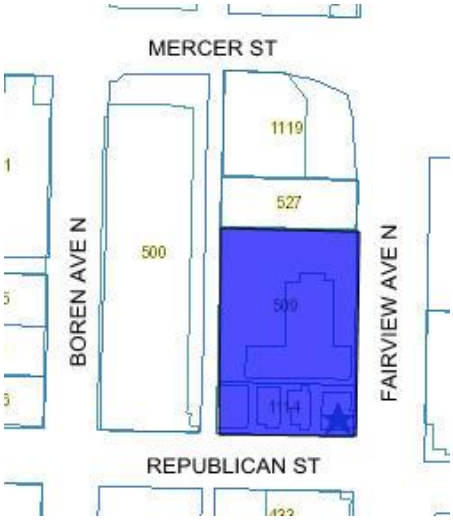
SEPA-Environmental Determination (Seattle Municipal Code 25.05)

SEPA DETERMINATION:

Mitigated Determination of Non-significance

☐ No mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts



Site:

Site Zone: SM 160/85-240

Nearby Zones: (North) SM 160/85-240
(South) SM 160/85-240
(East) SM 160/85-240
(West) SM 160/85-240

Lot Area: 38,425 square feet

Current Development:

The site includes one commercial building, abandoned residential structures, and a surface parking lot. Existing vehicular access to the site is via a curb cut from Fairview Avenue North and the alley.

A 40% Steep slope is mapped on the eastside of the development site.

Surrounding Development and Neighborhood Character:
The surrounding development is a mix of uses and age of structures. Nearby development includes older 1-2 story commercial office and retail structures and newer 5-6 story residential and retail mixed-use structures. Additional nearby sites are proposed for commercial and residential development that ranges from 5-16 stories tall. Several historic landmarks are located nearby.

Recreational opportunities include Lake Union two blocks to the north and Cascade Playground two block to the southeast.

The area offers frequent transit service, including the South Lake Union Streetcar two blocks to the west and several nearby bus routes. Fairview Ave N is a busier vehicular arterial.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: October 23, 2013

The packet includes materials presented at the meeting, and is available online by entering the project number (3015947) at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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

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

Email: PRC@seattle.gov

The applicant noted that several nearby sites that are proposed for development or are under construction, which provide examples for recent design context.

The applicant presented a modified preferred massing option at the EDG meeting. The preferred option includes a southwest plaza to respond to pedestrian flow along Republican St, a setback at Fairview Ave N, and a plaza at the northeast corner near the bus stop. The southeast corner included a bay extending from the east façade to provide modulation and signify the location of the lobby entrance. An overhang would be located above the lobby entry on the south façade near the southeast intersection. The soffit of this overhang would be approximately 32' above grade.

The applicant explained that the southwest plaza measures approximately 30' from the property line. The east façade is set back approximately 8-13' from the property line. Pedestrian walkways and plazas surround the building, with retaining walls, planters, and stairs separating the sidewalk from these areas. The retaining walls, planters and stairs range between 3'-5' tall and create a transition between the sloped sidewalk and the pedestrian areas adjacent to the building. The applicant noted that the intent is to use stepped walls and landscaping to approach the sidewalk.
The alley façade would be set back from the west property line and northwest corner, to provide access to the internal loading area and parking.

PUBLIC COMMENT

No public comments were offered at the EDG meeting.

FINAL RECOMMENDATION MEETING: March 26, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number (3015947) at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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

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The applicant explained design responses to EDG, including additional setbacks from the east property line, moving the building entry closer to the intersection, and creating a set of angled steps and landscaped buffer to connect the south plaza to the sidewalk grade. The applicant demonstrated how the proposed design provides a series of landings to aid the ADA route along the sidewalk. The lower plaza serves as a landing and the entry to the restaurant space. The upper plaza serves as another landing and access to the building entry. Stairs connect the three landings on the private property.

The applicant noted that the southwest corner of the site would also include an "iconic artistic signage" element. The applicant clarified that in response to EDG, the southwest corner is set back from the alley intersection to provide both visual interest and pedestrian safety. The stepped retaining walls separating the southwest plaza from the sidewalk would be heavily planted, including climbing vines.

The southeast corner entry would include a large 2-story glazed area with an artistic feature entry design. The packet showed a cube framing the entry, composed of blue slumped/fused glass material, and oriented orthogonally to the building. The applicant showed additional images at the meeting for an alternate design, using laser cut metal with LED backlighting. The design intent of the entry is to evoke the themes of water and movement. The interior lobby design is proposed with large sculptural elements to relate to the outdoor seating, art, and planting forms.

The east street frontage (Fairview Ave N) is proposed with low landscaping to transition between the sidewalk grade and the pedestrian walkways adjacent to the building. The pedestrian walkways provide access and plazas for the street level office to function as retail in the future. The street level retail is treated with large glazed areas and overhead canopies for weather protection. In response to questions, the applicant clarified that the height of the canopies is proposed between 7.5' to 9' above grade.

The bus stop on Fairview Ave N was shown as relocated to the north edge of the site, but the applicant noted that SDOT and Metro have indicated it should remain in the existing location.

PUBLIC COMMENT

No public comments were offered at the Recommendation meeting.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (OCTOBER 23, 2013):

1. **Southwest Plaza Relationship to the Sidewalk and Public Realm.** The southwest plaza and south edge should be designed to visually and physically relate to human activity at the sidewalk on Republican Street. (A-2, A-4, C-3, D-2, D-3, E-2)
    a. The proposed plaza will provide opportunity for an outdoor restaurant space, but the corner of this plaza includes a 5' retaining wall. The edge of the plaza needs to be treated to create a better visual transition to the sidewalk. Possible strategies include landscaping, water features, boulders, etc. (A-2, C-3, D-1, D-2, D-3, E-2)
    b. If possible, an ADA ramp/stair system should be provided between the plaza and the sidewalk on Republican St. (A-1, A-2, A-4)
    c. The retaining wall and any handrails on the south edge of the plaza should be treated for human scale and visual interest. (C-3, D-2, D-3)
    d. The southwest corner of the site should be designed to provide clear sight lines between pedestrians and vehicles at the alley intersection. (D-7, D-8)
    e. Signage opportunities should be provided on the façade, especially near the southwest corner (to avoid the need for sandwich boards in the sidewalk). (D-9)

2. **Fairview Ave Street Level.** The Fairview Ave N. walkways and street level facades should be designed for pedestrian and transit users, with efforts to enhance safety and comfort. (A-1, A-2,, D-1, D-7)
    a. The west side of Fairview on this block will experience a high level of pedestrian traffic for people accessing the intersection to Lake Union on the north end of the block. The Fairview Ave N. façade should be treated for pedestrian comfort and should be designed to provide eyes on the street near the adjacent bus stop. (A-2, A-4, D-1, D-7)
    b. Overhead weather protection should be of sufficient width to provide adequate protection for pedestrians on Fairview Ave N. (A-2, D-1)
    c. The applicant should work with King County Metro to integrate the bus stop into the proposed development, possibly using leaning rails or seating and overhead weather protection on the building façade. (A-1, A-2, C-2, D-1)
    d. The north plaza should be treated for safety, including sufficient lighting. (D-7, D-10)

3. **Fairview Ave Upper Building Mass.** The Board directed the applicant to design the east façade with modulation, but also to preserve pedestrian level view potential along Fairview Ave N. (A-1, B-1, C-2)
    a. The Board noted that the extension of the building façade toward the east property line may intrude further into the pedestrian view potential along Fairview Ave. The Board recommended that the massing should be located to minimize impacts to potential pedestrian views along Fairview Ave N. (A-1, A-2, C-1,

i. The Board suggested that the applicant could push the building further to the alley, in favor of setting back from Fairview Ave.
ii. The Board also offered that the building bay could begin approximately 30' above grade, which might help to preserve pedestrian views along Fairview Ave N.

b. The Board would like to see how the proposed east setback and façade relate to nearby proposed development on the west side of Fairview Ave N, including the Troy Block development (MUP 3012675). In response to nearby context and potential pedestrian views, the east facade of the proposed development should at least maintain the same setback as the upper levels of the Troy Block development. (A-1, A-2, C-1)
c. The Board supported the modulation/articulation of the east façade, and recommended that the east façade be modulated in a way that preserves potential pedestrian views along Fairview Ave N. (A-1, A-2, B-1, C-2)

4. **Preferred Massing Option.** The Board supported the preferred alternative, with the request for more information and the modifications described in this report. (A-1, B-1)
   a. At the Recommendation meeting, the Board would like to see graphics demonstrating the relationship between the proposed development and the developments to be built across Fairview Ave N. The Board noted that the graphics should describe the 'outdoor room' that will be created at three corners of the intersection of Fairview Ave N. and Republican St. (A-1, A-2, C-2)
   b. The Board supported the proposed angled entry design at the southeast corner of the site. (A-1, A-2, A-3, A-10)

FINAL RECOMMENDATIONS (MARCH 26, 2014):

1. **Southwest Plaza and Republican Street Frontage.** The Board noted that the design of the southwest plaza and the transition between plaza and sidewalk satisfy the Design Review Guidelines and direction from EDG. The use of stepped retaining walls, wide stairs, and planted buffers are important aspects of the design response. (A-2, A-4, C-3, D-2, D-3, E-2)
   a. The Board discussed the application of the 'flame finish granite" or other special accent material on the building façade between the lobby and the restaurant. The Board appreciated the visual interest of this material in an otherwise restrained building design, but noted that it should be expanded, or a complementary material used in other areas of the south street level, in order to create a cohesive design experience. The Board therefore recommended a condition to expand the use of accent materials to create a cohesive design in the Republican Street level experience. (A-2, A-4, C-2, C-4)
      i. The Board noted that using the special accent material in other areas such as the building entry, southwest plaza, or the stairs could tie the design together with the façade treatment between office lobby and restaurant.
      ii. An alternate complementary material that visually references the "flame finish granite" could also be used.
      iii. The Board supported differentiating the restaurant space from the other street level uses. The accent material should be used to create a cohesive

street level design, but also create a hierarchy of spaces to focus on the restaurant.

b. The Board discussed the southeast corner entry design, including the blue glass shown in the packet and the metal/LED alternate concept shown at the Recommendation meeting. The Board noted that the metal/LED option relies on functionality of the LED fixtures, where the blue glass option will be a more permanent solid element in the façade. The Board also noted that the colorful aspect of the blue glass adds interest to an otherwise very neutral material palette.
    - **i.** The Board therefore recommended a condition that the entry design should be colorful, designed to be permanent and durable, and should relate to the applicant's stated design intent for the entry (dynamic and artistic, and evocative of water and movement). (A-2, A-3, C-2, C-4)
    - **ii.** The blue slumped glass is acceptable, or a comparable permanent colorful visually interesting material is acceptable. The Board did not support the backlit laser cut metal entry design, since it relies partially on an electrical fixture for interest. The blue slumped glass material provides a substantial, visually weighty, colorful, and artistic material that lends permanency to the street frontage, provides color to contrast with the neutral building palette, and relates to the scale of the lobby facade. (A-2, A-3, C-2, C-4)
    - **iii.** The Board noted that the angled shape of the entry was supported at EDG and remains an important element in providing visual interest and a reference to the change in street grid context. (A-2, A-3, C-1, C-2)

2. **Fairview Ave Street Level.** The Board supported the applicant's intent to integrate the bus stop design with the proposed building's design concept, and supported the proposed building setback and secondary walkways with landscaping to transition to the sidewalk grade. The Board noted that the east street level building façade continues the office expression from the upper levels, and lacks the scale and design aspects that could encourage future retail use. The low canopies and glazing at the lower two floors fail to provide the scale of street level retail spaces. (A-1, A-2, A-4, C-3, D-1, D-11)
    a. The Board therefore recommended that the design of the east street level façade be modified to distinguish the street level from the upper office level design concept, with the intent of providing better opportunity for future retail uses and visual interest for pedestrians. (A-2, A-4, C-3, D-1, D-11)
        - **i.** The Board noted the south edge provides a nice example of relationship to pedestrian scale and activity at the street level.
        - **ii.** The Board clarified that the 7.5' canopy height doesn't relate to typical retail street level scale. Taller, wider, and more visually substantial canopies would provide a better response to the scale of the facade.
        - **iii.** The Board further clarified that the northern 3 bays are of the most concern on the east facade.
        - **iv.** Removing the use of spandrel or frosted glass at the street level may help the response to this condition.

3. **Fairview Ave Upper Building Mass.** The Board supported the proposed response to the context of nearby setbacks on Fairview Ave N, and supported the use of materials to express vertical glazed elements in the design concept, but expressed concern with the visual 'flatness' of the Fairview Ave upper facade. (A-1, B-1, C-2, C-4)
    a. The Board discussed the applicant's stated intent to possibly provide vertical fins every 10' on the glazed areas. The Board noted that this strategy could provide some texture to mitigate the flat appearance of the façade, and could enhance the vertical expression of these areas, in contrast with the horizontally expressed precast areas of the building.
    b. The Board therefore recommended a condition that the design of the glazed areas should be modified to create texture, reduce the scale, and enhance the contrast of horizontal and vertical elements in the design concept. (B-1, C-2, C-4)
    c. The Board also recommended that the applicant work to refine the design and enhance the design concept of the continuous façade treatment between the community room, the lobby, and the vertical bay on the east façade. The resulting design should enhance the contrast of the horizontal and vertical elements, and emphasize the design concept of the continuous glazed element from the west portion of the building through the protruding bay on the east facade. (B-1, C-2, C-4)

4. **Signage**. The Board discussed the signage program shown in the Recommendation packet. They expressed concern about the possibility of signage on the upper levels of the building in areas where the signage could interfere with the design concept and appear unrelated to the pedestrian focus of the area. The Board noted that plenty of opportunity for signage exists at transition points in the building, such as the street level or the transition between the 2nd and 3rd floors.
    a. The Board recommended a condition that signage should be placed on the building to relate to the pedestrian environment rather than vehicles, signage should be placed in areas of architectural transition, such as between the 2nd and 3rd floors, and no signage should be placed on the artistic entry design element (shown as the blue cube in the Recommendation packet.) (C-2, D-9)

DESIGN REVIEW GUIDELINES

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

A-1 <u>Responding to Site Characteristics</u>. 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 <u>Streetscape Compatibility</u>. 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 sufficientlywide).**

A-3 <u>Entrances Visible from the Street</u>. Entries should be clearly identifiable and visible from the street.

A-4 <u>Human Activity</u>. 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 **<u>Height, Bulk, and Scale Compatibility</u>. 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 **<u>Architectural Context</u>. 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 **<u>Architectural Concept and Consistency</u>. 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 **<u>Human Scale</u>. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

D-1 **<u>Pedestrian Open Spaces and Entrances</u>. 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-2 **<u>Blank Walls</u>. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

D-3 **<u>Retaining Walls</u>. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.**

D-7 **<u>Personal Safety and Security</u>. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

SLU-specific supplemental guidance:

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

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

D-9 **<u>Commercial Signage</u>. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.**

D-10 **<u>Commercial Lighting</u>. 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 **<u>Commercial Transparency</u>. 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-2 **<u>Landscaping to Enhance the Building and/or Site</u>. 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.**

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendations on the requested departures are 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.

1. **Loading Berths (SMC 23.54.035):** The Code requires loading berths to meet the minimum dimensions of 10' wide by 30' deep. The applicant proposes to reduce one of the four proposed loading berths to 10' wide by 25' deep, to allow for a compactor.

This departure would provide an overall design that would better meet the intent of Design Review Guideline D-8 and A-2 by designing the loading area to respond to the needs of the office building program, and setting back the building from Fairview Ave N (which results in shifting the building core and loading closer to the alley), to provide public views and pedestrian oriented spaces.

The Board unanimously recommended that DPD grant the departure.

2. **Street Level Development Standards, Setbacks (SMC 23.48.014.A.3.b):** The Code allows a maximum setback of 12' from the street lot line and requires the setback to be landscaped. The applicant proposes to set back east façade 10'9" near the intersection, and proposes the setback is covered with hardscape rather than landscaping.
   This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-2, and D-1, by setting back the building to respond to the potential views along Fairview Ave N, and by paving the area adjacent to the building entry to allow more active and functional areas for pedestrian use.
   The Board unanimously recommended that DPD grant the departure.
   DPD Staff Note: Departure #2 identified by the applicant encompasses two departures from the Development Standards: one to exceed the maximum setback of 12', and one to provide paving instead of landscaping within the setback.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated March 26, 2014, and the materials shown and verbally described by the applicant at the March 26, 2014, Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

1. The accent materials between the lobby and restaurant should be expanded to other areas of the south street frontage to create a cohesive design along the Republican Street level experience. (A-2, A-4, C-2, C-4)
2. The southeast entry design should be colorful, designed to be permanent and durable, and should relate to the applicant's stated design intent for the entry (dynamic and artistic, and evocative of water and movement). The slumped/fused blue glass cube is one possible resolution to this condition. (A-2, A-3, C-2, C-4)
3. The design of the east street level façade should be modified to distinguish the street level from the upper office level design concept and provide flexibility for future retail uses, including taller, wider, and more visually substantial canopies. (A-2, A-4, C-3, D-1, D-11)
4. The design of the vertically glazed areas should be modified to create texture, reduce the scale, and enhance the contrast of horizontal and vertical elements in the design concept. (B-1, C-2, C-4)

5. The design should be refined to enhance the design concept of the continuous façade treatment between the community room, the lobby, and the vertical bay on the east façade. The resulting design should enhance the contrast of the horizontal and vertical elements, and emphasize the design concept of the continuous glazed element from the west portion of the building through the protruding bay on the east facade. (B-1, C-2, C-4)
6. Signage should be placed on the building to relate to the pedestrian environment rather than vehicles, signage should be placed in areas of architectural transition, such as between the 2nd and 3rd floors, and no signage should be placed on the artistic entry design element (shown as the blue cube in the Recommendation packet.) (C-2, D-9)

Applicant response to Recommended Design Review Conditions:

1. Flame finished black granite is proposed at the stair treads between the south plaza and the sidewalk, as shown in the MUP plan sets. The proposal satisfies recommended condition #1.
2. The applicant responded on April 17, 2014 that "The entry cube will remain as designed, blue fused or slumped glass, although lighting strategies will continue to be investigated, which may include graphics to further enhance and differentiate the entry element." The final design of the entry treatment will be subject to approval by the Land Use Planner, prior to issuance of the construction permit for that area of the building, as conditioned at the end of this decision.
3. The north street level spaces have been modified to remove spandrel glass at the storefront, raise the canopies, the canopies' steel supports are thicker, and opportunities for tenant signage are provided on the façade. The proposal satisfies recommended condition #3.
4. The applicant provided graphics on April 17, 2014 that demonstrate the use of materials to create texture, reduce scale, and enhance the horizontal and vertical contrast. The proposal satisfies recommended condition #4.
5. The applicant provided graphics on April 17, 2014 that demonstrate the use of materials to enhance the continuous façade concept between the community room at the west facade, the lobby, and the vertical bay on the east facade. The proposal satisfies recommended condition #5.
6. The building signage will be required to be mounted in response to the pedestrian rather than the vehicular environment, placed in areas of architectural transition, and no signage shall be placed on the southeast entry cube, as conditioned at the end of this decision.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this document.

II. ANALYSIS – SPECIAL EXCEPTION

SMC 23.40.032 B2 states *"parking for nonresidential uses in excess of the maximum quantity identified in subsection 23.48.032 B1 may be permitted as a special exception… the Director shall consider evidence of parking demand and the availability of alternative means of transportation, including but not limited to the following"*:

a. *Whether the additional parking will substantially encourage the use of single occupancy vehicles*;

The additional parking is not expected to encourage the use of single occupancy vehicles. Pursuant to SMC 23.48.011 E2, the project will be required to achieve a maximum 40% single-occupant vehicle goal; achieving such a goal will require a thorough and aggressive Transportation Management Program. A typical office building has roughly 4 employees per 1,000 square feet of gross floor area. A parking rate of 1 space/1,000 sf would require three out of four employees to commute by other than a single-occupant vehicle. This would be consistent with, roughly, a 25% SOV rate. It is unlikely at present that even a very aggressive TMP for this project could achieve an SOV rate this low.

b. *Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available*;

The project is not expected to have an appreciable number of employees who work shifts that end when transit service is not readily available.

c. *Proximity of transit lines to the lot and headway times of those lines*;

Traffic modeling performed for the South Lake Union Height and Density EIS incorporated existing and future transit service in the South Lake Union neighborhood. Even so, the EIS predicted that approximately 41% of employees would drive alone and 10% would carpool. Transit service near this site is typical of the South Lake Union neighborhood, and is unlikely to result in transit usage substantially greater than that forecast in the Height and Density EIS.

d. *The need for a motor pool or large number of fleet vehicles at the site*;

The project is not expected to require a substantial motor pool or have a large number of fleet vehicles at the site.

e. *Proximity to existing long-term parking opportunities within the area which might eliminate the need for additional parking*;

Existing long-term parking opportunities may exist within the area, particularly at Seattle Center. However, as noted below (item f) providing such parking could adversely affect vehicular and pedestrian circulation through the area. No significant amounts of long-term parking exist near the site. The few available surface parking lots within walking distance of the site are well-utilized, and may be redeveloped during the lifespan of the proposed project.

f. *Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area*;

Not granting the special exception would not be expected to encourage a further shift to non-auto modes; the most likely result would be increased use of off-site parking by drivers to the site. Depending on the location of such parking, this could result in increased auto travel through the area, which could adversely affect vehicular and pedestrian circulation.

g. *Potential for shared use of additional parking as residential or short-term parking*;

Office (long-term) spaces are expected to be available in the evening and on weekends when commercial (short-term) parking demand is expected to peak.

h. *The need for additional short-term parking to support retail activity in areas where short-term parking and transit service is limited*.

A majority of retail trips to and from the site are expected to be made by walking or transit. However, during peak demand time for the office use (midday on a weekday), the retail uses are expected to generate a parking demand of about 11 vehicles. The parking garage has been sized to largely accommodate this short-term demand.

DECISION – SPECIAL EXCEPTION

Based on evidence of parking demand, availability of alternative means of transportation, and the other criteria listed above, the special exception for parking exceeding the maximum quantity is **GRANTED.**

III. SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 27, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Washington State Department of Ecology regulations require mitigation of significant environmental contamination impacts, consistent with Model Toxics Control Act requirements. Additional discussion of short and long term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

Public Comment:

The public comment period ended on December 26, 2012. Comments were received in response to the design review aspects of the proposal.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

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.

Environmental Health

The applicant submitted studies regarding existing contamination on site ("Phase I Environmental Site Assessment, Walsh Building Property, 501 Fairview Site, for Schnitzer West, LLC," dated March 20, 2014 by GeoEngineers; and "Limited Phase II Environmental Site Assessment, Proposed South Lake Union Development, 501 Fairview Site," dated March 20, 2014, by GeoEngineers). If not properly handled, existing contamination could have an adverse impact on environmental health.

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

As indicated in the SEPA checklist and the Phase I and Phase II reports, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project. The Phase II report notes, "it is prudent for Schnitzer to have a construction contingency plan prepared to assist in the management of soil that will be exported from the Site. In this case, it may also be prudent to test additional soil samples prior to export to verify the conditions observed during this Phase II ESA. Soil field screening and additional sampling and testing is most warranted along the west property boundary where a PAH cleanup action occurred on the property located to the west of the subject Site." The Phase II report also notes, "The distribution in soil appears to be largely associated with the presence of the VOCs in groundwater. There was no evidence of solvent use at the subject Site based on the Phase I ESA and no soil samples contained TCE concentrations that would result in the magnitude of TCE concentrations observed in groundwater at this property. Groundwater testing and possible treatment may be needed if dewatering and effluent discharge is planned during redevelopment."

If the recommendations described in the Phase II report are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Phase II report describes a construction contingency plan, additional soil testing, groundwater testing, and potential treatment for contamination as strategies to ensure adherence with MTCA provisions. These strategies are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, the decision is conditioned to require evidence of a construction contingency plan that is consistent with the Phase II report, prior to issuance of a construction permit.

Construction Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. Properties located to the east of the site include several residential buildings and will be impacted by construction noise. The South Lake Union area is experiencing prolonged periods of construction noise from successive and numerous development activities in the immediate vicinity of the site. The SM zoning allows higher levels of noise than other zones, in spite of the increased residential uses in the area. The combined impacts, duration of construction noise in this area, and allowance of more noise than other residential zones warrants additional mitigation to reduce the impacts of construction noise on nearby residents.

To mitigate construction noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan with a noise mitigation element, which has been reviewed and approved by DPD. No further mitigation is warranted for construction noise impacts.

Construction Parking and Traffic

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

The site is located adjacent to a busy arterial (Fairview Ave N), near several other major arterials, and the adjacent side streets are often congested. Construction vehicles can further exacerbate existing traffic congestions, especially during peak travel hours.

To mitigate construction parking impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan which has been reviewed and approved by DPD.

This plan demonstrated the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site. The plan also includes a Construction Haul Route which has been approved by Seattle Department of Transportation.

No further mitigation is warranted for construction parking and traffic impacts.

Historic Preservation

The project is within the U. S. Government Meander Line buffer that marks the historic Lake Union shoreline – an area with the potential for discovery of pre-contact and early historic period resources.

Director's Rule 2-98 lists requirements for mitigation of potential archaeological artifacts in the Meander Line Buffer and mitigation warranted by SMC 25.05.675.H:

Prior to Issuance of Master Use Permits:

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

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

- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

The applicant has provided a statement on the MUP plans that indicates the contract documents for the general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.
Consistent with Director's Rule 2-98 and SMC 25.05.675.H, the decision is conditioned to mitigate potential impacts to archaeological resources during construction.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result 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 and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions
Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

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

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Historic Preservation

The existing structures on site are more than 50 years old. Seattle Department of Neighborhoods reviewed the existing structures and determined that none of them are likely to be eligible for historic landmark designation (Landmarks Preservation Board letter, reference number LPB 42/14). No further mitigation is warranted for historic preservation impacts to the existing structures on site.

Parking and Traffic

As part of the environmental checklist, the project submitted a Transportation Impact Study (Urban Union Office Development, by TENW, dated March 20, 2014, and a correction notice response memo dated May 16 2014).

The Traffic Impact Analysis noted that the peak parking demand for this development is 395 vehicles. 392 off-street parking spaces are proposed in the garage at the base of the building and below grade, accessed from the alley. This number of parking spaces accommodates almost all of the anticipated parking demand, but is beyond the maximum parking limit in this zone and requires a Special Exception. The Special Exception review and approval are documented in section II of this MUP Decision.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in the South Lake Union Urban Center. This site is located in that Urban Center.

The Traffic Impact Analysis and correction response indicated that the project is expected to generate a net total of 1,549 daily vehicle trips, with 224 net new AM Peak Hour trips and 205 net new PM Peak Hour trips. The DPD Transportation Planner reviewed the information and determined that the conditions described below (Transportation Management Plan and pro-rata contribution) will sufficiently mitigate the adverse impact of the additional trips on nearby traffic conditions.

Concurrency analysis was conducted for nearby identified areas. That analysis showed that the project is expected to be within the adopted standards for the identified areas.

The project was required to mitigate traffic impacts by implementing a Transportation Management Plan (TMP). The goal of the TMP will be to reduce single-occupant vehicle trips to 40 percent of trips at the site. A TMP has been submitted to DPD and SDOT for review. Consistent with Director's Rule 10-2012 and SMC 25.05.675.R, the decision is conditioned to require that the applicant records the City-approved TMP prior to issuance of a building permit, in order to mitigate potential impacts to traffic.

The project will also mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union as outlined in DPD TIP 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of $193,559 in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules, and conditioned with this decision.
The mitigation measures are consistent with those discussed in the EIS. The TMP and the condition to pay a pro rata contribution of $193,559 are expected to adequately mitigate the adverse impacts from the proposed development.

MITIGATED DETERMINATION OF NONSIGNIFICANCE

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

☒ Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This MDNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the MDNS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Issuance of a Construction Permit

1. The final design of the southeast entry (materials, colors, and lighting) will be subject to approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Certificate of Occupancy

2. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
3. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

4. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

5. Signage shall be mounted in response to the pedestrian rather than the vehicular environment, placed in areas of architectural transition, and no signage shall be placed on the southeast entry cube.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Construction Permit

6. The applicant shall record the signed City-approved Transportation Management Program (TMP) with King County Records and Elections Division, and submit a copy of the recorded TMP to DPD (John.Shaw@seattle.gov) and SDOT.

7. The applicant shall make a pro rata mitigation contribution pursuant to TIP 243 in the amount of $193,559 to the City of Seattle.

8. The applicant shall provide a copy of a construction contingency plan that is consistent with the Phase II report, to the Land Use Planner (Shelley.bolser@seattle.gov).

During Construction

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

10. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall: Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: September 18, 2014
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

SB:drm

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