



City of Seattle
Edward B. Murray, Mayor

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

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

Application Number: 3016543
Applicant Name: Jodi Patterson-O'Hare, for Holland Development LLC
Addresses of Proposal: 1207 Westlake Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two 6-story structures, one containing 277 residential units and one containing 110 residential units above 946 sq. ft. of retail space in an environmentally critical area. Parking for 234 vehicles to be provided in a shared below-grade garage. Existing underground tanks to be removed (#6416606).

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code Section 23.41 with Development Standard Departures

SEPA Environmental Review - Seattle Municipal Code Section 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

SITE AND VICINITY

The development site has street frontage on Dexter Avenue N., Westlake Avenue N., and Highland Drive. Due to the steep topography between Westlake Avenue N. and Dexter Avenue N., Highland Drive is not cut through to Dexter on the upslope side. The existing site is vacant with remnant foundations of structures formerly located there.

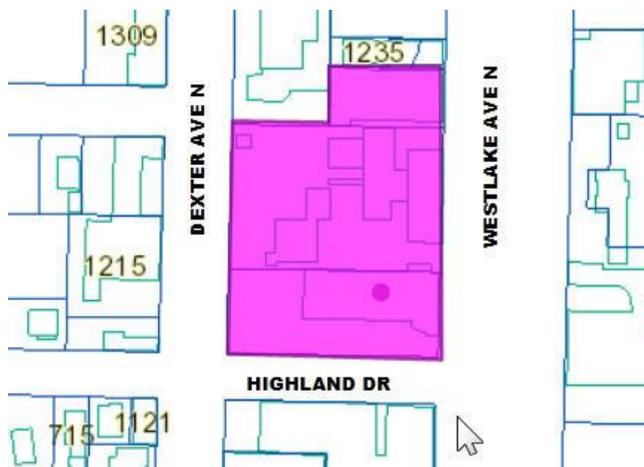
Dexter Avenue N. is a bike corridor and recent improvements include a dedicated bike lane with bus stop islands located between the bike lane and the vehicular lanes of travel. The street is a busy north-south transit corridor dominated by larger office buildings and, more recently, by large residential developments.

Westlake Avenue N. is currently undergoing new development with several sites scheduled for new development. The lots on the east side of the street abut Lake Union and are generally occupied by water dependent businesses. A lack of pedestrian-oriented retail uses and absence of pedestrian amenities accounts for limited pedestrian traffic along the street.

There are no east-west pedestrian routes joining Westlake and Dexter between Galer Street, approximately 3 blocks to the north, and Aloha Street, approximately 3 blocks to the south.

The site itself is mapped as containing Steep Slope Environmentally Critical Areas (ECAs) as well as being a Liquefaction area. A Shoreline designation overlies the northeast corner of the site.

The site is zoned SM 85/65-125, as is the portion of the block north of the subject site. West of Dexter Avenue N. the zoning is SM 85, as is the zoning south across Highland Drive. To the east, across Westlake Avenue N., the zoning is C2-40.



The immediate vicinity, in particular the areas north and south along the west side of Westlake Avenue N. and either side of Dexter Avenue N. is best described as transitional, with new mixed-use development, primarily residential, being set down amidst older, smaller commercial and maritime-related structures, creating a neighborhood with a mix of uses and scales.

Development has been approved for two structures at the northern end of the same block on properties that extend south from Galer Street between Dexter Avenue N. and Westlake Avenue N. (MUP #'s 3016544 and 3016871). The western three parcels of land abutting Dexter Avenue N. will be developed with a structure containing 159 residential units. A proposed 6-story eastern structure will contain 158 residential units and approximately 1,600 sq. ft. of street-level retail/commercial space. Space serving both proposed structures (referred to as ***Westlake Steps-Lot 4 Development***) and accommodating parking for 250 vehicles, will be allotted below grade in the western structure.

The development proposed for 1207 Westlake Avenue N., named ***Westlake Steps—Lot-2 Development***, will consist of a smaller south and larger north building, each extending between Westlake Avenue N. and Dexter Avenue N. The gap between the two buildings will provide for an activated pedestrian pathway and hill climb, providing a means to navigate a rise or descent of approximately 34 feet between the two avenues through a pedestrian enhanced environment.

PROPOSAL

The proposal is to construct two six-story mixed-use buildings, primarily with residential uses both at street level and above grade. A small retail space will be located at grade at the southeast corner of the south structure, where Westlake Avenue N. intersects Highland Drive. Below grade parking, totaling 234 vehicle stalls, conjointly serving the two buildings will be tucked into the hillside and be accessed through a curb cut off the north side of the turn-around at the terminus of Highland Drive and garage opening along the south façade of the south building. The north building recedes from Westlake Avenue N. at its northeast corner to side step the Shoreline District which overlays the site at that area. A shoreline exemption request has been filed under Project Number 6433055 to cover limited work (paving removal and installation of grass landscape) within the small portion of the site that lies within the Shoreline District.

PUBLIC COMMENTS

Comments were received during the public comment period that ran from September 11, 2014 through September 24, 2014, as well as at the Design Review meetings (see below). Comments ranged from concerns about the west side of Westlake “becoming a canyon” with this and other development, actual and proposed, to a desire for increased retail/commercial spaces to be implemented at street level along Westlake Avenue N. in order to promote and enhance desired pedestrian activity currently absent from the neighborhood.

ANALYSIS - DESIGN REVIEW

Design Review Board Design Guidance

At the Early Design Guidance meeting, held before the Design Review Board for the West District, on June 4, 2014, three design alternatives were presented by the applicants for two 6-story mixed-use buildings to be located at 1207 Westlake Avenue N. Due to the size of the site and the location between two Avenues, a mid-block connection is required in an east-west direction.

The applicant first presented a massing option that showed the massing that might result from retention of qualifying Exceptional Trees on site. The open space would be located in an inset area at the north property line and in a central courtyard, in order to maintain a development size comparable to the proposed development and retain the trees. The resulting mass would present increased building bulk at the site edges and locate the open space in areas that are not as well connected to the street. It was noted that the applicant preferred a different massing option which would require removal of exceptional trees on the site.

Within the three other massing options presented to the Board, the first scheme showed a single building with a continuous wall at Dexter Ave N. The pedestrian path would be located at the north end of the site and would require an indirect path of travel, which, it was suggested, might prove to be confusing and ultimately discourage public use of the connection.

Scheme 2 included a mid-block connection at approximately the center of the site, accessed via a breezeway through the building at Westlake Ave N.

Scheme 3 showed two buildings separated by a mid-block connection near the south end of the site. The mid-block connection was not covered by building in any area, and provided a direct connection between Dexter Ave N to Westlake Ave N. The building would be set back at the mid-block entries at both street frontages to make the entrances welcoming and publicly obvious. The mid-block connection would be designed with a series of stairs and landings to respond to the large change in grade between east and west property lines. The stairs would be flanked by planters with residential patios beyond. The applicant noted that these planters may serve to treat storm water and may include flowing water and vertical vegetation. The lower portions of the mid-block connection would be flanked by residential amenities to activate the connection.

The applicant noted two aspects of the design that are different from the packets mailed to the Design Review Board: An additional 10' setback is proposed from the residential units on Westlake, and two-story units are proposed at Dexter Ave N.

The Westlake Ave N street frontage was shown with lobby uses on either side of the mid-block connection. The primary residential entries are proposed on either side of the mid-block connection entry at Westlake Ave N, with secondary lobbies on Dexter Ave N. One retail space is proposed at the southeast corner of the site. The applicant noted that in response to the potential for future street level retail on Westlake Ave N, all the street level residential units share the same slab, are level with grade, and have 13' minimum floor to ceiling heights. These strategies make it possible to easily convert the street level units to retail if the market changes.

Residential open space would be located in a courtyard and at roof decks.

The applicant explained that the intended design concept expresses asymmetry, to provide a counterpoint with nearby regimented symmetrical context and introduce more architectural diversity into the neighborhood. A "ribbon" element is proposed to unify the two buildings on the site, create a frame around the building articulation and larger massing forms, create open lighter areas of the façade, and create contrasting solid building edges with punched window appearances. On Dexter Ave N, the 'ribbon' is used to express more verticality than on Westlake Ave N. A solarium is proposed roof near the west façade, in order to break up the continuity of the roofline.

The applicant noted that the north end of the east façade is 'folded back' in response to the shoreline overlay area, resulting in a landscaped setback at that corner of the site. The setback would be landscaped with low height plantings such as ornamental grasses planted in a banding pattern to relate to the rooftop landscape plan patterns.

The landscape plan for the rest of the site includes larger 3.5" caliper street trees, along with landscaping at the upper edge of Highland Drive right of way. The stepped planters at the mid-block connection would be planted with vegetation to treat stormwater. The interior courtyard includes a 20' change in grade between upper and lower portions of the courtyard, so a planter wall may be used to separate the two levels. Roof decks are programmed to include more vegetation on the east portion of the site and more usable decking on the west portion of the site.

The applicant clarified that the mid-block connection location is a Type I decision made by the DPD zoning reviewer, rather than a Type II departure recommended from the Design Review Board. The applicant also noted there is a separate permitted MUP on the site south of Highland Drive.

PUBLIC COMMENT

- Concerned that views will be blocked from the west side of Dexter Ave N, across the site to Lake Union.
- Concerned about noise during construction.
- The street level residential windows on Dexter Ave N. should be larger to encourage flexibility for future retail use.
- The development to the south across Dexter is not a good example of materials near grade, since the cementitious panel is located at grade, adjacent to the sidewalk. This proposed development should include more durable materials near grade.
- The development to the south includes some entrances below grade.
- The proposed development should include more landscaping.

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 June 4, 2014

- 1. Pedestrian Through-Block Connection.** Additional massing option(s) should be provided at a Second EDG meeting, with at least one option showing a mid-block connection adjacent to the Highland Drive public right of way and potential modulation to reduce the resulting increased bulk on the north portion of the property.
 - a. This site presents an interesting opportunity for pedestrians, given the lack of other east-west connections in the area. While the Land Use Code requires a mid-block connection to be located 100' from a public right of way, that likely anticipates pedestrian connections via the nearest public right of way. The nearby context offers no east-west pedestrian connections for a six block stretch, with this property located in the middle of that six block length. The applicant is already requesting a Type I zoning decision to reduce the distance from the public right of way, so the Board would like to see another option with the connection adjacent to the public right of way. (CS2-B, CS2-I, PL1-B, PL1-I, PL1-III, PL3-A)
 - b. The Board discussed possible advantages of a mid-block connection at the south edge of the site:
 - i. Minimal shadows from adjacent buildings; (CS2-I-iI)
 - ii. Better view opportunities to Lake Union, since it would align with the public right of way locations; (CS2-I-I, DC3-III)
 - iii. Likely to appear more public than private. The preferred option gives the appearance of a private connection across the site; (PL1-B, PL1-I-i)
 - iv. A connection adjacent to the public right of way may be able to be open to the public 24/7, instead of closed in evening hours; and (CS2-B, PL1-I-i)

- v. A more direct route between the crosswalk at Dexter Ave N and the bus stop at Westlake Ave N, as shown on page 42 of the EDG packet. (CS2-B, PL1-B, PL4-A, PL4-C)
- c. The Board acknowledged potential challenges of a south edge mid-block connection could include:
 - i. A difficult design transition between the pedestrian stair and the driveway entrance below; (PL2-B)
 - ii. Increased bulk and scale over the northern portion of the site, although there may be other ways to reduce the appearance of bulk and scale such as deep modulation near the center of the site; and (CS2-D, CS2-II-ii, CS3-I-i)
 - iii. Potentially reduced transparency on the south edge, given the need for privacy for residential units near the grade of the mid-block connection. (PL3-B)
- d. The Board recommended that if the walkway stays in the current location, the design of the entire connection should appear public rather than private. (PL1-I)
- e. The edges of the mid-block connection should be designed with pedestrian amenities, and strategies to relate to human scale. (PL1-B, PL1-I, PL1-III)
 - i. The Board noted that a challenge will be the design of the proposed stormwater treatment planters and other Green Stormwater Infrastructure strategies. Required designs of stormwater planters may make it difficult to see plants that are set down within tall stormwater planters. The edges of the planters should be treated for human scale and pedestrian comfort. DC3-C-2, DC3-II)
 - ii. Landscaping, street furniture, and amenities such as a bike runnel should be located adjacent to the pedestrian experience in the mid-block connection. (PL4-B, DC3-II)
 - iii. The entries to the mid-block connection should be designed to respond to the adjacent transportation conditions. For example, the response could include a bike repair station to respond to the bicycle route on Dexter and amenities to enhance the bus stop on Westlake. (PL4-A, PL4-B, PL4-C)
 - iv. The Board supported the broader intent for human scale, pedestrian comfort, and landscaping in the mid-block connection, as described in the EDG meeting. (PL2-B, PL2-I, DC3-C-2, DC3-II)

2. Massing and Design Concept. The Board offered preliminary support for the overall massing scheme, with more development of the massing on Dexter and further development of the architectural concept in the two buildings. Additional guidance will be provided after the Board reviews the additional massing option(s) with the mid-block connection at the south edge.

- a. The Board supported the asymmetrical massing across the site and the “ribbon” concept to express the asymmetry. The Board noted that more color than the conceptual sketches show is supported. (CS3-II, DC2-I, DC2-B, DC2-C, DC2-D, DC4-A)
- b. The two buildings should be designed to be more distinct from each other. The Board noted that a consistent design theme across the site is acceptable, but the two buildings should be visibly different. (CS3-I, DC2-B, DC2-D)
- c. The Board noted that the two different expressions on Westlake are more successful in creating a contrast between the buildings. The Board would like to see more

- evolution and create more contrast with the ribbon to create unity across the site. (DC2-B, DC2-D)
- d. The Board supported the varied rooflines to help to reduce the mass and scale, the use of the solarium and ribbon in expressing the architectural concept, and the initial sketches of the Westlake Ave N facades. (DC2-I, DC2-B, DC2-D)
 - e. The Dexter Ave N edge of the site should include steps in the building mass for both buildings. The Board noted that the additional massing moves should relate to the larger site and program, and express the architectural concept. (CS2-II-ii, PL3-A, DC1-A, DC2-A)
 - i. For example, if the mid-block connection location is retained in the preferred location, the north building should step down adjacent to the connection entrance at Dexter Ave N, in order to better express the solarium and ribbon to residential entry.
 - f. The street level at Dexter should include more massing variation. The moves should relate to the architectural forms and expressions in the upper levels of the Dexter Ave N façade. (CS3-I, DC1-A, DC2-B)
 - g. The building program at Dexter Ave N should relate to the massing and to the location of proposed outdoor spaces. (PL3-A, DC1-A, DC2-A, DC2-I)
 - i. For example, the residential lobby should be near the Dexter Ave N mid-block entry, similar to the residential entries flanking the Westlake Ave N mid-block entry. The north building could step down to the mid-block entry and also signify the north building entry at that location.
- 3. Exceptional Trees.** The Board was interested in seeing and analysis of how the preferred massing option is the best response to the Design Review Guidelines, including consideration of the site planning response to existing vegetation and exceptional tree(s). A massing option including preservation of the exceptional tree(s) should be provided at the second EDG meeting. (CS2-D, DC2-A)
- 4. Street Level Development.** The Board supported additional retail uses at the street level, and directed the applicant to design the street level residential spaces for flexibility for future retail use.
- a. The Board acknowledged that design review can't require a different building program, but additional retail seems to be a more functional and preferred response to the large number of future patrons who will reside in this site and nearby developments. (PL3-I, DC1-A)
 - b. If street level residential uses are pursued, the design of these spaces should be maximized to provide flexibility for future retail uses. Potential strategies include storefront windows, permanent durable materials conducive to commercial street level activity, moveable planters and railings between the units and the sidewalk, commercial scale canopies and light fixtures, and opportunities for tenant signage on the buildings or canopies. (PL2-I, PL3-B, PL3-III, DC1-A)
 - c. The Board discussed whether some of the street level units should be designed with a more deliberate residential scale and treatment. The Board directed the applicant to design the street level spaces to respond to the massing and architectural moves in the upper levels, with most of the street level spaces designed for flexible future retail use. If the overall design composition results in a small portion of the streetscape that

- presents a more residential expression, that will be an acceptable response to EDG. (PL3-III, DC1-A, DC2-B)
- d. The Board supported the proposed 10' street level setback and noted 10' is a minimal buffer from the busy traffic context at Dexter Ave N. The Board strongly advised that the applicant consider an even greater setback at the ground level for residential units at grade. A street level condition that was recessed into the site, with building overhangs above would be acceptable. (PL3-B, PL3-III)
 - e. The northeast shoreline overlay and related building setback should be intentionally designed in response to the program and context. (PL1-II, DC3-II, DC3-III, DC3-C-2)
 - i. The Board suggested the area could be designed with planting to respond to the nearby Lake Union Park landscaping, could be paved with an interesting paving treatment to encourage future retail use of the street level spaces, or could include some other intentional design move.

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

South Lake Union Supplemental Guidance:

CS2-I Responding to Site Characteristics

CS2-I-i. Views: 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.

CS2-I-ii. Shadows: Minimize shadow impacts to Cascade Park.

CS2-I-iii. Gateways: Reinforce community gateways through the use of architectural elements, streetscape features, landscaping and/or signage. Gateways can be defined through landscaping, artwork, and references to the history of the location that create a sense of place. Gateways are transition locations, places that mark entry or departure points to a neighborhood for automobiles and pedestrians. They are sites that create opportunities for identification, a physical marker for the community to notice they are entering a special place. Methods to establish gateways should consider the site’s characteristics such as topography, views or surrounding building patterns. Elements could include building out to meet the corner where appropriate, or tools such as:

- a. setbacks to allow for pedestrian friendly spaces;
- b. signage;
- c. landscaping;
- d. artwork;
- e. facade treatments.

CS2-I-iv. Heart Locations: Several areas have been identified as “heart locations.” Heart locations serve as the perceived center of commercial and social activity within the neighborhood. These locations provide anchors for the community as they have identity and give form to the neighborhood. Development at heart locations should enhance their central character through appropriate site planning and architecture. These sites have a high priority for improvements to the public realm. A new building’s primary entry and facade should respond to the heart location. Special street treatments are likely to occur and buildings will need to respond to these centers of commercial and social activity. Amenities to consider are: pedestrian lighting, public art, special paving, landscaping, additional public open space provided by curb bulbs and entry plazas. See full guidelines for Heart Locations

CS2-II Height, Bulk, and Scale Compatibility

CS2-II-i. Corridor Experience: 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.

CS2-II-ii. Upper-level Setbacks: 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.

CS2-II-iii. Width Ratios: Relate proportions of buildings to the width and scale of the street.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

South Lake Union Supplemental Guidance:

CS3-I Height, Bulk, and Scale Compatibility

CS3-I-i. Facade Articulation: Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.

CS3-I-ii. Reduce Visual Bulk: Consider using architectural features to reduce building scale such as:

- a. landscaping;
- b. trellis;
- c. complementary materials;
- d. detailing;
- e. accent trim.

CS3-II Architectural Context

CS3-II-i. Mix of Building Style: Support the existing fine-grained character of the neighborhood with a mix of building styles.

CS3-II-ii. Preservation: Re-use and preserve important buildings and landmarks when possible.

CS3-II-iii. Historic Signage: Expose historic signs and vintage advertising on buildings where possible.

CS3-II-iv. Historic Aesthetic: 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.

CS3-II-v. Industrial Character: Respond to the working class, maritime, commercial and industrial character of the Waterfront and Westlake areas. Examples of elements to consider include:

- a. window detail patterns;
- b. open bay doors;
- c. sloped roofs.

CS3-II-vi. Cascade Character: Respond to the unique, grass roots, sustainable character of the Cascade neighborhood. Examples of elements to consider include:

- a. community artwork;
- b. edible gardens;
- c. water filtration systems that serve as pedestrian amenities;
- d. gutters that support greenery.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

South Lake Union Supplemental Guidance:

PL1-I Human Activity

PL1-I-i. Open Connections: Keep neighborhood connections open, and discourage closed campuses.

PL1-I-ii. Pedestrian Network: 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.

PL1-I-iii. Lighting: Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.

PL1-II Landscaping To Reinforce Design Continuity With Adjacent Sites

PL1-II-i. Spatial Hierarchy: Support the creation of a hierarchy of passive and active open space within South Lake Union. This may include pooling open space requirements onsite to create larger spaces.

PL1-III Pedestrian Open Spaces and Entrances

PL1-III-i. Public Realm Amenity: 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:

- a. curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow;
- b. pedestrian-oriented street lighting;
- c. street furniture.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

South Lake Union Supplemental Guidance:

PL2-I Streetscape Compatibility

PL2-I-i. Street Level Uses: 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.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

South Lake Union Supplemental Guidance:

PL3-I Streetscape Compatibility

PL3-I-i. Retail Location: 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.

PL3-III Transition Between Residence and Street

PL3-III-i. Residential Entries: Consider designing the entries of residential buildings to enhance the character of the streetscape through the use of small gardens, stoops and other elements to create a transition between the public and private areas. Consider design options to accommodate various residential uses, i.e., townhouse, live-work, apartment and senior-assisted housing.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

South Lake Union Supplemental Guidance:

DC2-I Architectural Concept and Consistency

DC2-I-i. Roofscape Design: 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.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

South Lake Union Supplemental Guidance:

DC3-C Design

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

South Lake Union Supplemental Guidance:

DC3-II Landscaping To Enhance The Building and/or Site

DC3-II-i. Integrated Artwork: 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.

DC3-III Landscape Design To Address Special Site Conditions

DC3-III-i. View Orientation: Landscaping should be designed to take advantage of views to waterfront and downtown Seattle.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle’s climate, taking special care to detail corners, edges, and transitions.

DEVELOPMENT STANDARD DEPARTURE

At the time of the Early Design Guidance meeting, the following departure was requested:

- 1. Permitted Setbacks From Street Lot Lines (SMC 23.48.014.3.B):*** *The Code allows maximum 12’ setbacks from street lot lines. The applicant proposes to set back more than 12’ along Dexter Ave N in order to allow for more landscaping and buffer between the sidewalk and the street level residential units, and to allow for a 95’ deep courtyard at Westlake Ave N.*

The Board indicated preliminary support for the departure provided the hillclimb entries are designed to maximize public appearance of the connection and the design includes a more purposeful landscape design of the shoreline setback area.

BOARD DIRECTION

At the conclusion of the EARLY DESIGN GUIDANCE meeting, the Board recommended the project return for another meeting in response to the guidance provided.

Second Early Design Guidance Meeting—August 6, 2014

The applicant's Early Design Guidance Design Review packet presented at the meeting is available online by entering the project number (3016543) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

EXCEPTIONAL TREES As the first item in its presentation the Design Team addressed the question of design of a project that would allow for retention of three trees (#82,92 and 96 on the site survey), identified according to the City's criteria as "Exceptional" trees, two near the middle and one at the southwest corner of the development site. It was noted that according to the certified arborist's report (see the Tree Assessment by Urban Forestry Services, Inc., dated October 31, 2013), none of the three trees were rated above "low" quality, that attempts to preserve the trees would significantly reduce development potential on site (without commensurate prospects for tree longevity), and that there were no Code departures which would appreciably increase the development potential loss due to tree retention. In lieu of retaining the trees in question, the project would propose replacing the trees with large caliper trees at other locations on site.

During its deliberation, the Board unanimously recommended removal of the subject trees and their replacement as proposed as part of a landscape plan that would accompany full-site development.

BOARD'S ALTERNATIVE AND APPLICANT'S PREFERRED MASSING At the conclusion of the first Early Design Guidance meeting, the Board had requested that the proposal be returned for a second meeting, at which the applicant would explore, compare and contrast the design merits of the preferred massing option, albeit with some refinements, with a proposal that would locate a pedestrian pathway adjacent to the Highland Drive right-of-way. The preferred massing option had been for the pathway to be located further to the north, separating the proposed structure into two masses.

Each scheme was presented with shadow studies, view analyses through the prospective paths, and a tabulation and evaluation of how well the alternatives met the intentions of the Design Guidelines singled out for priority application to the project.

*The packet for the second Early Design Guidance meeting includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) 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 Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

After hearing the presentation, clarifying aspects of the proposal, the Board heard from one member of the public who reminded the applicants and Board members not to neglect the guidance from the first EDG meeting, especially as it related to quality of materials. Solicitude in this regard was singled out in particular for the Dexter Avenue N. façades. The Board then weighed and deliberated the main question before them—the location of the midblock connection. There were advantages to be had from the co-location of the public pathway along the Highland Drive right-of-way—access to sunlight, for instance and diminished effect of shadows, as well as the immediacy of the alignment of existing street crosswalks. The Board was agreed, however, that the applicants' preferred scheme was indeed demonstrably preferable in the way it broke up the overall massing of the proposal and fortuitously allowed and encouraged, even necessitated, an asymmetrical treatment of the frontages along the two north/south rights-of-way.

The Board acknowledged the spatial generosity afforded the through-block pathway in their preferred scheme and the erosions of the corners of the north building, especially on the Westlake side. These erosions, working in consort with appropriate internal uses could function to draw pedestrians into the space of the passageway. Nonetheless, it was the Board's consensus that the success of the pedestrian draw into that space would depend upon several factors, including the interface of pathway and landscaping and the facades of the two structures that comprised the walls of the passageway. The interaction of proposed retail spaces and amenity spaces with the passageway would also be of vital importance. Was there a way, for instance, to establish a better relationship between retail, amenity, and lobby spaces in the southeast corner of the south building that could more effectively engage both the streets and the pathway? Engagement was equally critical for the pathway opening at Dexter Avenue N. where the long-established heightened use as a bike corridor on this street called out for some kind of a bicycle relationship to the corners of the two buildings and the pathway, a challenge seemingly in need of some kind of response. Interestingly, the graphics that were presented illustrated a lure into the passageway primarily in the uphill direction, from Westlake rather than Dexter.

There was some discussion by the Board of the gates at the top and bottom of the pathway. They agreed should not be perceived as heavy. While acknowledging that the passageway would need to be closed for the night, the Board was concerned that when closed they be attractive and invite viewing through the pathway. When open they should be as unobtrusive as possible.

Finally, the Board noted that approval of the two-building massing scheme should not be taken as an excuse to neglect the south façade of the south building. Although a challenge to design, the south-facing façade still needed to engage the Highland Drive right-of-way in a meaningful way.

BOARD DIRECTION

At the conclusion of the SECOND EARLY DESIGN GUIDANCE meeting, the Board recommended moving forward to MUP application.

RECOMMENDATION MEETING—March 4, 2015

*The packet for the Recommendation Meeting includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) 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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Seattle, WA 98124-4019

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The site, lying between Westlake Avenue N. and Dexter Avenue N., to the north of Highland Drive, includes a slope with approximately 35' of vertical difference between the east and west property lines. A shoreline overlay encroaches into the northeast corner of the site. The proposed massing has been developed to respond to the sloped site, avoid substantial development in the shoreline overlay portion of the site, respond to the views of Lake Union to the east, and present strong architectural forms in response to the high site visibility.

Due to the size of the site and the location between two Avenues, a mid-block connection is required in an east-west direction. That pedestrian pathway will separate a south building with 99 apartment units from a north building containing 277 units. The pathway, flared at both ends for added space to congregate, will consist of 4 discrete stair runs and intermediate level areas for negotiating the 34 vertical feet between Westlake Avenue N. and Dexter Avenue N.

Since the parking would be provided in a parking garage that is underground, the development would appear as to structures located either side of the pedestrian pathway. The primary facades of the thinner south building would be orientated to the north and south, while the primary facades of the north building would be directed to Dexter Avenue N. and Westlake Avenue N. At its northeast corner the north building would retreat, or be folded back from the Dexter Avenue right-of-way in a series of steps, while all along Dexter the ground level units would be set back from the property line to afford privacy to the units and to soften and buffer them from the sidewalk with layered landscaping. The setback, at thirteen feet would require the need for a departure since the Code would allow no more than a 12-foot set back from the property line.

The applicant noted two aspects of the design that are different from the packets mailed to the Design Review Board: An additional 10' setback is proposed from the residential units on Westlake, and two-story units are proposed at Dexter Ave N.

The Westlake Ave N street frontage was shown with lobby uses on either side of the expanded exterior space afforded at the lower mouth of the pedestrian passage and hillclimb. One retail space is proposed at the southeast corner of the site. Residential open space would be located in two central courtyards in the north building and in roof decks provided in each of the buildings.

As previously explained by the applicant, the intended design concept expresses asymmetry, to provide a counterpoint with nearby regimented symmetrical context and introduce more architectural diversity into the neighborhood. A "ribbon" element is proposed to unify the two buildings on the site, create a frame around the building articulation and larger massing forms, create open lighter areas of the façade, and create contrasting solid building edges with punched window appearances. On Dexter Ave N, the 'ribbon' is used to express more verticality than on Westlake Ave N.

Where the northeast corner of the north building is 'folded back' in response to the shoreline overlay area, the setback is to be landscaped with low height plantings such as ornamental grasses planted in a banding pattern which would relate to the rooftop landscape plan patterns and to the actual shoreline.

The landscape plan for the rest of the site includes larger 3.5" caliper street trees, along with landscaping at the upper edge of Highland Drive right of way. The stepped planters at the mid-block connection would be planted with vegetation to treat stormwater. The interior courtyard includes a 20' change in grade between upper and lower portions of the courtyard, so a planter wall may be used to separate the two levels. Roof decks are programmed to include more vegetation on the east portion of the site and more usable decking on the west portion of the site.

In addition to the departure for the ground-floor, north building setback along Dexter Avenue N., the proposal shown would require a departure from the required visual "triangle" at the existing side of the parking exit.

PUBLIC COMMENT

Public comment was primarily related to parking and city-wide parking policies rather than design issues.

BOARD RECOMMENDATIONS

Having visited the site, considered the analysis of the site and context provided by the proponents, having heard public comment, having provided siting and design guidance and evaluated the responses to that guidance, the four members of the Design Review Board in attendance unanimously recommended approval of the two design departures requested and recommended the approval of the design as shown and explained to them, with the following conditions:.

DEVELOPMENT STANDARD DEPARTURE

At the time of the Recommendation meeting, the following departures were requested:

1. ***Permitted Setbacks From Street Lot Lines (SMC 23.48.012.A):*** *The Code allows maximum 12' setbacks from the street lot line. The applicant proposes to set back thirteen feet along Dexter Ave N in order to allow for more landscaping and provide a buffer between the sidewalk and the street level residential units.*
2. ***(SMC 23.54.030.G.1)*** *For two-way driveways 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided and kept clear of any obstruction for a distance of 10-feet from the intersection of the driveway and sidewalk. The garage exit is effectively located at the proximity of a dead-end condition on Highland Drive where a sight triangle to the west would be superfluous.*

BOARD DIRECTION

The Board agreed that the generous setbacks—at the top and bottom of the pathway between Dexter and Westlake and along the ground floor units on Westlake—were substantially the right moves and in concert with the Board's earlier guidance. The overhead protection and waiting room afforded bus riders on Westlake was an important gesture. If possible, it would be important to provide even a greater amount of hardscape along the planting strip for bus loading as well as providing some covered seating for those waiting for buses.

The gates designed for the pathway connecting the two avenues between buildings was thought to be well-designed. It should be 5-6 feet in height and the design should retain the level of transparency as shown in the packets. Signage at the pathway should be revisited to be made more functional, playful and dynamic, as well as to incorporate more way-finding features.

The color scheme as shown was fine; keep the green. The weave patterning was good, but could be more refined on the north building.

The Board was unanimous in recommending approval of the two requested departures and approving the proposal, with the following conditions of their approval:

- Adjust the landscaping and hardscape in the area of the Westlake bus-stop and add protected seating to make it more inviting and usable by bus-riders.
- Make the pedestrian pathway/ place-establishing signage more functional and dynamic, at both ends of the connecting path, and incorporate way-finding elements into it.
- Provide a minimum 6-foot covered, usable area at the bus-stop area on Westlake.
- Retain the water feature within pedestrian connector as shown.
- The Gate design should be as shown in the packet, with a high level of transparency and at a height of 5 to 6 feet.

ANALYSIS & DECISION- DESIGN REVIEW

The design review process prescribed in Section 23.41.014F of the Seattle Municipal Code 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

The four members of the West Design Review Board attending the Final Recommendation meeting on March 4, 2015 provided recommendations (listed above) to the Director, having previously identified elements of the Design Guidelines which were 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 and the South Lake Union supplemental guidance. The Director agrees with the Design Review Board's conclusion that the proposed project as presented at the March 4, 2015 meeting, with the recommended conditions of approval, would result in a design that meets the intent of the applicable Design Guidelines. Therefore, the Director accepts the Design Review Board's recommendations and **APPROVES THE PROPOSED DESIGN, THE REQUESTED DEPARTURES, AND CONDITIONS OF APPROVAL.**

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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant for the *Westlake Steps-Lot 2 Development*, dated August 26, 2014. The information in the checklist and accompanying technical reports, 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 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.

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 25,100 cubic yards of excavation for construction to be removed from the site, with approximately 100 cubic yards of fill. Excess material to be disposed of must be deposited in an approved site. It is estimated that excavation of the site will involve 2,570 truck trips (1,285 inbound empty trucks and 1,285 outbound full trucks).
- 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.

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

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 25,100 cubic yards of material. 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.

Earth – Grading

The Master Use Permit plans have been reviewed by DPD's Environmentally Critical Areas reviewer since DPD records show the western portion of the overall development site to contain a portion of 40% Steep Slope. The sloped areas on the site, while part of the larger topographical steep-slope condition where the east slope of Queen Anne hill meets the west shore line of Lake Union, were determined to have been created by prior legal grading. A Request for Relief from Prohibition on Steep Slope Development was granted by the Department of Planning and Development on February 6, 2014. ECA review of the proposed development will be required, but no steep slope Area Variance is required due to the granting of the Request. ECA General and Landslide Hazard Development Standards and criteria will apply to ECA review. That approval has been further conditioned upon the approval of a building/grading permit that demonstrates the proposed site activities are completely stabilized in accordance with provisions of the ECA Code. All other ECA Submittal, General and Landslide-Hazard, and development standards still apply for development on the site. The eastern portion of the site lies within a liquefaction zone. 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 majority of *Lot 2* consists of a former Shell Oil Company bulk fuel storage and distribution facility which utilized the site between the late 1910s and the mid 1960s. The concrete slabs of the former buildings cover the majority of the lower portion of the site. Some wall remnants from buildings associated with the earlier use remain on the west side of the site near the base of the slope up to Dexter Avenue N. Eleven underground storage tanks (USTs) were either removed or were closed in place on the site.

Prior investigations have identified elevated concentrations of gasoline, diesel and heavy oil range petroleum hydrocarbon contamination in three primary areas within the site. Based on the results of previous subsurface investigations, new borings and samplings were undertaken by URS Corporation in September of 2013 (see the *Phase II Environmental Site Assessment*, dated February 20, 2014). Analytical data indicate concentrations of gasoline-range hydrocarbons exceeding applicable MTCA cleanup levels in some soils on site that range in depth from 3 feet to 11 feet below ground surface. Gasoline-range petroleum hydrocarbons were detected in several groundwater grab samples that exceeded the MTCA Method A cleanup levels. Heavy oil-range petroleum hydrocarbons and dissolved arsenic were detected above the MTCA Method A cleanup levels.

An Environmental Media Management Plan and Cleanup Action Plan (EMMP/CAP), dated April 28, 2014 and prepared by Sound Earth Strategies, Inc., has been submitted as part of the environmental documents prepared for this SEPA review. It has been prepared in accordance with the Washington State Model Toxic Control Act (MTCA) regulation in Title 173, Chapter 340, Section 380 of the Washington Administrative Code (WAC 173-340-380). The proposes EMMP/CAP is to be conducted in general accordance with the Washington State Department of Ecology's (Ecology) Guidance for Remediation of Petroleum Contaminated Sites (Ecology, 2011), and Ecology's Underground Storage Tank (UST) regulation (WAC 173-360). Remediation work will be professionally monitored throughout demolition and excavation. Details of procedures to be followed by the contractor shall be enumerated in the Contaminated Media Management Plans. Site construction activities will comply with all applicable State regulations regarding the handling and disposal of contaminated water and soils that may be encountered on site. No further conditioning is necessary.

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 SEPA Overview Policy (SM C 25.05.665) and the SEPA Construction Impacts Policy (SM C 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during demolition and construction. The construction activities, which will include removal from the site of 25,100 cu. yds. of earth, is expected to generate a substantial number of truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which impact is unmitigated by existing codes and regulations.

During demolition and construction, the existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This general area is subject to traffic congestion during the PM peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted. 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.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction truck trips do not interfere with daily PM peak traffic in the vicinity. This condition shall be part of a required Construction Management Plan to be reviewed by Seattle Department of Transportation (SDOT) and the Department of Planning and Development (DPD) As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

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. Changes in hours of construction may also be proposed which may override restrictions otherwise imposed by noise-impact considerations.

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.

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. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition. Hours of construction outside of the indicated hours may be permitted under special circumstances and if anticipated and indicated in an approved Construction Management Plan submitted by the contractor.

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

Air Quality

HVAC systems will be designed to the appropriate standards and recommendations of the ASHRE (American Handbook for Heating, Ventilation, and Air-Conditioning Engineers) and ASHRAE.1. Review of mechanical systems will be conducted by the Department of Planning and Development as part of building and mechanical permit review.

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.

Historic and Cultural Preservation

There are no buildings, structures or sites located on or near the development that are listed in or eligible for listing in national, state, or local historic preservation registers. The site does, however, lie within an archaeological buffer zone, determined by the US Government Meander Line. Although no archaeologically significant cultural resources are known to be present at the project site, there is some potential for cultural resources to be located there. Construction activities could increase visibility and potential for exposure of previously unknown cultural resources during clearing and grading. (See Technical Memo 1401M-1, Cultural Resources Assessment, West lake Steps: Lot 2, prepared by Cultural Resources Consultants, February 15, 2014.) Prior to Issuance of the Master Use Permit, the owner and/or responsible parties shall provide DPD with a statement that the contract documents of 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 these regulations.

A Construction Monitoring and Discovery Plan will be required prior to the issuance of permits for subgrade excavation or construction. Appropriate measures in Director’s Rule 2-98 will need to be incorporated into the plan.

- 1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify DPD (land use planner Michael Dorcy at 206-615-1393) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). 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*

2. *Once DPD and the State Office have been notified:*

- *The owner and/or responsible party shall hold a meeting on site with DPD and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office of Archaeology and Historic Preservation (OAHP), and to DPD to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.*
- *The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.*
- *Work only shall resume on the affected areas of the site once an approved permit for Archeological Excavation and Removal is obtained from the OAHP. Work may then proceed in compliance with the approved plan.*

Public View Protection

The SEPA Public View Protection policy allows the reviewing agency to mitigate impacts to public views of significant natural and human-made features from public places consisting of specified viewpoints, parks, scenic routes, and view corridors as identified in Attachment 1 to the Environmental Policies and Procedures Ordinance. Of the City's 87 officially-designated public viewpoints, there is only one that could be affected by the Proposed Action, and this lies within Gas Works Park. Environmental impact photo documentation prepared by EA Engineering, Science and Technology, Inc., and submitted to accompany the Environmental (SEPA) Checklist, demonstrates satisfactorily that the proposed projects would not result in any significant impacts to the designated scenic view.

Aurora Avenue N., Dexter Avenue N. and Westlake Avenue N. are City-designated Scenic Routes. The project is located on the west side of Westlake Avenue N. and would not affect views toward Lake Union to the east from Westlake Avenue N. Both Aurora Avenue N. and Dexter Avenue N. are located west and uphill of the project site. Currently, street-level, east-west views toward Lake Union and the Cascade Mountains from these two streets are limited due to existing buildings and mature vegetation. North-south views are of the downtown skyline and would not be affected by the proposed development.

An evaluation of east-west views along Dexter Avenue N. conducted by EA Engineering, Science, and Technology, Inc., indicates some additional scenic obscuration attributable to the project. Existing views from Dexter Avenue N. at Comstock Street and Highland Drive would be replaced by a view of the new, 6-story structure. The view of Lake Union presently available over the Casey Building garage driveway would be obstructed as well. Loss of these view opportunities would not be considered significantly adverse since

similar territorial views of Lake Union would remain, including those from the east-west right-of-ways of Galer Street, Garfield Street and Highland Drive. Additionally, the proposed project would improve public views from Dexter Avenue N. by removing existing view-obscuring vegetation and providing a through-block pedestrian connection that would provide enhanced views of Lake Union. No further mitigation appears warranted.

Traffic and Transportation

A Transportation Impact Study was prepared by Transportation Engineering NorthWest (TENW) Inc., dated May 8, 2014, to determine the traffic impacts of the proposal. According to the Transportation Impact Study, the proposed development is estimated to generate approximately 1,916 net new vehicle trips, with 150 new vehicle trips occurring during the weekday AM peak hour and 179 net new trips during the weekday PM peak hour. In terms of intersection Level of Service (LOS), the Study analyzed existing, 2014, as well as future conditions. The intersection LOS analyses were conducted at seven study intersections in the project vicinity: Two of these study intersections on Mercer Street are expected to operate at LOS F during the PM peak hour in 2017, with or without the proposed project. The addition of traffic generated by this project is not expected to add more than a few seconds of delay to any of the signalized study intersections, and is not anticipated to result in a significant adverse impact.

Transportation concurrency was evaluated in the Transportation Impact study. The calculated volume to capacity ratios for the proposed project was based on City guidelines outlined in Director's Rule 2009-5. The calculated v/c ratios for the tested screenlines were determined to remain below the adopted LOS standards with the proposed development. Therefore, the proposed development was determined to meet the City's concurrency requirements.

Transportation Mitigation Payments

The City of Seattle has established a transportation mitigations system for development in and around the South Lake Union neighborhood. Mitigation payments help fund planned transportation improvements, for automobile infrastructure, bicycle facilities, pedestrian walkways, and transit facilities, identified in the South Lake Union Transportation Plan. The mitigation payment system requests the voluntary payment of a pro-rata fee based on either the established rates for the proposed land uses or the assignment of project traffic to the future street system with the identified transportation projects in place. A pro-rata share was calculated for the transportation projects that would be affected by and benefit the proposed project. According to calculations presented in the TENW study, the projects pro-rata share was estimated to be \$255,588. No other specific mitigation measures related to traffic, therefore, would be needed to accommodate the proposed project. Assessment of the pro-rata share has triggered the Department's determination of a Mitigated Determination of Non-Significance (MDNS).

Parking

Based upon the anticipated parking demand of 0.76 stalls per unit, the expected parking demand is 294 parking stalls for the proposed residential multi-family unit. Since the plans call for 234 proposed spaces, a parking spillover of 60 spaces is anticipated. As a matter of adopted City policy, however, there is no City authority for the City to require additional parking within the South Lake Union Urban Center (see SMC 25.05.675.M). Public parking is available in the area.

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. The total project lifetime emissions are estimated to be 448,462 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] Mitigated Determination of Non-Significance. Provided the applicant pays the South Lake Union assessment of \$255,588 for planned transportation improvements, 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 – SEPA

Prior to Issuance of the Master Use Permit

1. The owner and/or responsible parties shall provide DPD with a statement, to be incorporated into all plan sets, that contract documents of their general, excavation, and other sub-contractors will include reference to regulations regarding archaeological resources and that all construction crew members, including truck drivers, allowed on site will be required to comply with these regulations.

Prior to issuance of any Demolition, Construction, Shoring or Grading Permits

2. Submit a Construction Monitoring and Archaeological prior to issuance of any sub-grade excavation or construction on the project site.
3. Include design-level information from the *Environmental Media Management Plan and Cleanup Action Plan (EMMP/CAP)* prepared by Sound Earth Strategies, Inc. into the Demolition, Construction, Shoring and Grading Applications.
4. The applicant shall submit for review and approval a Construction Impact Management Plan to the Department of Planning and Development (DPD) for concurrent review and approval with Seattle Department of Transportation (SDOT). The plan shall identify management of construction activities and noise and shall include construction hours, parking, traffic and designate street and sidewalk closures. It shall contain a plan for routes for all excavated materials, including the destination of all contaminated soils and other materials to be removed from the site.

5. The applicant shall be liable to SDOT for a transportation mitigation fee of \$255,588, which is the final cost share figure developed by TENW, dated May 8, 2014.

Conditions-Design Review

Prior to Issuance of the MUP

6. The Design Review Board's conditions of approval shall be incorporated into the MUP plan sets. Namely,
- Adjust the landscaping and hardscape in the area of the Westlake bus-stop and add protected seating to make it more inviting and usable by bus-riders.
 - Make the pedestrian pathway/ place-establishing signage more functional and dynamic, at both ends of the connecting path, and incorporate way-finding elements into it.
 - Provide a minimum 6-foot covered, usable area at the bus-stop area on Westlake.
 - Retain the water feature within the pedestrian connector as shown to the Design Review Board at the Recommendation meeting..
 - The Gate design should be as shown in the packet, with a high level of transparency and at a height of 5 to 6 feet.

Signature: Denise R. Minnerly for Date: June 18, 2015
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

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

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

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