



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: 3016723
Applicant Name: Ankrom Moisan Architects for MacFarlane Partners, Inc.
Address of Proposal: 901 Harrison Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 25-story structure containing 292 residential units above 7,273 sq. ft. of retail. Parking for 180 vehicles to be provided in three levels below grade. Project includes approx. 24,000 cu. yds. of grading. Existing Landmark structure to be partially demolished with the building street and alley façades to remain.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

- Development Standard Departure** from a rooftop feature setback.
(SMC 23.48.010.H.7.b)
- Development Standard Departure** from street-level standards.
(SMC 23.48.014.D)
- Development Standard Departure** from a street-level standards.
(SMC 23.48.014.A.2.b)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION:

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 Zone: Seattle Mixed 160/85-240 (SM 160/85-240)

Nearby Zones: The site is surrounded by the 160/85-240 zone. A block to the west the zoning changes to SM85-240 along 8th Ave N.

Lot Area: 21,600 square feet.

Environmentally Critical Areas: None

Access: The site is bordered by Harrison St to the north, 9th Ave N to the west and an alley to the east.

Current Development: Existing development on the site includes an early 20th century commercial structure and a surface parking lot. The northern portion of the structure is currently in use as City Hardware, a retail store.

The original 1927 portion of the existing structure was nominated for historic landmark status during the MUP review period and was named a Landmark by the Landmarks Preservation Board. As the building is a designated historic landmark, a Certificate of Approval from the Landmarks Preservation Board will be required to modify or demolish the structure.

Surrounding Development: The immediate vicinity includes a mix of development styles and vintages. The area is going through rapid redevelopment, with older 1-2 story commercial structures and surface parking lots being redeveloped to taller office and residential development. Most of the residential development is located one block to the west (along 8th Ave N) and several blocks to the east, east of Fairview Ave N. Most of the surrounding sites are being redeveloped for office structures. Development is currently under construction across the street to the north and west of the site, as well as several other sites within blocks of the subject property. Several more sites are proposed for development within a few blocks of the subject property.

Neighborhood Character: 9th Ave N is a minor arterial with transit routes and is designated as a future bicycle route, connecting the west side of Lake Union to the downtown core. Harrison Street is noted as a “Heart Location” in the South Lake Union Design Guidelines and is designated a Class 2 Pedestrian Street in the Land Use Code. The site is located within the Westlake area of the South Lake Union Design Guidelines.

Project Description: The proposed development is a 25-story residential building containing 292 units above 8,200 square feet of retail space at grade. Parking for 180 vehicles is proposed below grade, to be accessed from the alley. The existing on site structure has been designated a Landmark structure and the facades facing 9th Ave N, Harrison St. and the alley and a portion of the south elevation will be preserved.

DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: April 2, 2014

The packet presented at the EDG meeting is available online by entering the project number (3016723) at this website:

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

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

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

Email: PRC@seattle.gov

PUBLIC COMMENTS:

The following comments, issues and concerns were raised during the public comment portion of the Early Design Guidance meeting:

- The square building has less shadow impacts than the preferred tower massing.
- The departure to place the mechanical at the northwest corner of the tower further increases the shadow impacts, and further increases the appearance of height, which is already out of scale with nearby neighboring development.
- The proposed treatment of the live-work edge may not be sufficient to buffer the residential aspect of this use from the street level activity. The Veer Lofts building also has setbacks but still has mostly closed blinds at the street level. A buffer should be provided.
- Supported the proposed residential use in the neighborhood.
- There's a streetscape plan for 9th Ave N. The plan isn't adopted, but it indicates the neighborhood's intent for the design of this area and can provide helpful context.
- The north-south orientation of the narrow tower is a good contextual response to the building across the alley (which is also proposed as residential).
- Departure #3 may not be something that's departable through design review.
- The alley façade should be treated as another primary façade. The alley should be activated, since the neighborhood alleys will become more active pedestrian areas.
- Retail should be provided on 9th Ave N, rather than live-work. Live-work will more likely be residential and not activate the streetscape.
- Supported the proposed departures.
- The rooftop element and/or tower could be placed further to the south without much impact to the sun on the outdoor areas proposed at the roof.

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. The Board identified the Citywide Design Guidelines & South Lake Union (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

EARLY DESIGN GUIDANCE: April 2, 2014

- 1. Architectural Concept. The Board supported the preferred massing option for the slender tower and the street level design. The Board recommended that the tower be further modulated. The tower and podium design should be integrated.**
 - a. The Board noted that the slender tower relates better to the context of the building to the north, creates a better overall building proportion, and provides an appropriate response to natural daylighting and managing solar heat gain. (CS1.B.3, CS2.II.ii)
 - b. The tower should be further modulated on the north and west facades to enhance the articulation and the slender appearance of the tower. The Board suggested that approximately 10' deep modulation would meet this guidance, rather than the proposed 2' to 3' modulation, in order to relate to the overall scale and enhance the tower concept. The tower will be taller than surrounding buildings and very visible in the skyline. (CS2.A.2, CS2.II.ii, DC1.A)

- c. The design of the podium and tower design should be integrated, and should respond to the context of nearby developments. The Board specified that while there are no other similar tower heights proposed nearby, there are developments with podium and upper building compositions. The proposed design should respond to the context of nearby transitions between podium and upper level building areas. (DC1.B, DC1.D)
- d. The applicant should consider the possibility of incorporating the existing building façade into the proposed development, even if the Landmarks Board review doesn't result in a historic landmark designation. The overall design should result in a cohesive design expression. (CS3.B.2, CS3.II.ii and iv)
 - i. If the building is not landmarked, the Board noted that the façade could be modified to be made more conducive to retail uses.

2. Street Level Design. The Board encouraged activation of the street frontage.

- a. The Board encouraged the applicant to strongly consider placing retail on 9th Ave N, which will provide more immediate street level transparency and activity than live-work uses. (CS2.B.2, PL2.I)
- b. The street level design should respond to the developing context at the intersection and the Heart Location designation of Harrison St. This corner should enhance the character of the “outdoor room” of the street frontage at that intersection. (CS2.B.3, CS2.C, CS2.I.iv, PL1.A.1)
- c. The Board supported the proposed curb bulb and street furniture to enhance the pedestrian experience. (PL1.III)
- d. The Board supported varying the design of the overhead weather protection at the street frontage, and noted that the design should differentiate this street frontage from the development across 9th Ave N. (PL2.C)
- e. The Board also supported the conceptual sketches indicating the design intent for the street level entries, street facing facades, landscaping, and hardscape. (PL3.A.1 and 4)
 - i. The Board noted that if live-work continues to be proposed at 9th Ave N., the entries should be designed in response to the residential entries neighborhood Design Guideline (PL3.III)
- f. The 9th Ave N. curb bulb and street level treatment should be designed to respond to the intended bicycle route along 9th Ave N. and the neighborhood streetscape plan for 9th Ave N.

3. Alley. Given the proposed activation of the alley and connection to the pedestrian amenities across the alley, the alley frontage should be designed to enhance the design intent.

- a. Lighting should enhance pedestrian safety, especially at the alley. (PL1.I.iii)
- b. The Board noted that since the north end of the alley will include pedestrian activity, the location of services near the southeast corner of the site is an appropriate response to the context and the proposed design. (DC1.C.4)
- c. The alley façade should be designed to be consistent with the other three facades of the building, given the pedestrian activity, visibility of the façade, and the proposed residential use across the alley. (DC2.B.1)

RECOMMENDATION MEETING: November 5, 2014

The packet presented at the Initial Recommendation meeting is available online by entering the project number (3016723) at this website:

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

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

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

Email: PRC@seattle.gov

PUBLIC COMMENTS:

There were no public comments offered at the meeting.

PRIORITIES & BOARD RECOMMENDATIONS

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

RECOMMENDATION MEETING: November 5, 2014

- 1. Massing and Design: The Board commended the applicant on a beautiful design, and addressing the guidance given at the EDG meeting. The Board emphasized that the built structure needs to match the design and materials as presented at the Recommendation meeting, which are critical to the Recommendation for design approval. They were supportive of the incorporation of the existing Landmark façades and the influence of the Landmark structure on the design of the podium. (CS2.A.1 & 2, CS3.b, CS3.II.ii, DC2.B.1)**
 - a. The materials as presented in the Recommendation packet and meeting are critical to the design concept. (DC4.A)
 - b. The Board supported the warm copper tones of the panels in contrast to the glass. (DC4.A.1)
 - c. The Board was supportive of the ‘jewel box’ effect, especially at night, of the continuous glazed façade of the west and north façade above the landmark structure on the 3rd and 4th levels. They expressed concern that residents might negate the design intent by covering the windows. The Land Use Planner from DPD explained this is not something that can be conditioned or controlled. (DC2.B.1)

- 2. Relationship to the Street: The Board was pleased with the change from live/work to retail along 9th Ave. (CS2.B.2, PL3.C)**
 - a. The Board questioned why the overhead canopy at the retail space facing 9th Ave N was only 6’ wide. The applicant had responded that massing and structural design limited the width. The Board recommended a condition to explore providing a wider canopy and to consider ground support for the canopy if needed. (PL2.C.1)

- b. The Board was supportive of the extended curb bulb on 9th Ave N and recommended a condition to provide lighting as part of the landscaping and design. (PL1.I.iii, PL2.I.ii, DC4.C.1)
- c. The Board recommended a condition to provide signage, lighting and safe and easy wayfinding to bike storage areas. (PL4.B.2)

3. Gabion Wall: The Board was excited about the proposed gabion wall at the edge of the residential entry. They encouraged the applicant to contact artist/architects who have built successful gabion walls to how to successfully construct the proposed wall. (CS3.B.2, DC3.II.i, DC4.A)

- a. Detail the gabion wall so that it provides the intent of letting light through the wall and references the historic context and former use of the Landmark structure. (CS3.B.2, DC4.A)
- b. If the gabion wall cannot be constructed as shown the Board recommended a condition to provide a textured wall of a similar scale and historical connection. (CS3.B.2)

The Board identified the following Citywide Design Guidelines and South Lake Union Guidelines of highest priority and expressed the project, as presented, was successfully meeting these guidelines.

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-B Sunlight and Natural Ventilation

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

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-A Location in the City and Neighborhood

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

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-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

South Lake Union Supplemental Guidance:

CS2-I Responding to Site Characteristics

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

façade 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-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.

South Lake Union Supplemental Guidance:

CS3-II Architectural Context

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

PUBLIC LIFE

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

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

South Lake Union Supplemental Guidance:

PL1-I Human Activity

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-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-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

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.

PL1-I-ii. Streetscape Amenities: Provide pedestrian-friendly streetscape amenities

- a. tree grates;
- b. benches;
- c. lighting.

PL1-I-iii. Sidewalk Retail: Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).

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-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.

South Lake Union Supplemental Guidance:

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-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.

DESIGN CONCEPT

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

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-3. Multiple Uses: Design parking areas to serve multiple uses such as children’s play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

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-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.

DEVELOPMENT STANDARD DEPARTURE

The Board’s recommendation on the requested departure was 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.

At the Final Recommendation Meeting three departures were requested:

- 1. Rooftop Features (SMC 23.48.010.H.7.b):** The Code requires that all rooftop features be located at least 10’ from the roof edge. The applicant proposes to locate portions of the penthouse, which will house an enclosed rooftop amenity area, at the north and west roof edges, in order to visually integrate the penthouse with the north and west building façades, and allow for a more contiguous roof deck area.

This departure will provide an overall design that would better meet the intent of Design Review Guidelines CS2-A-2 Architectural Presence and DC2-B-1. Façade Composition. The top of the tower will be very visible and a contiguous elevation at the area of the amenity penthouse creates an attractive and well-proportioned façade.

The Board recommended unanimously that DPD grant the departure.

- 2. Street Level Development Standards (SMC 23.48.014.D):** The Code requires that on Class 2 Pedestrian Streets and Neighborhood Green Streets, the minimum height for street-facing facades is 25 feet. Harrison St. is a Class 2 pedestrian Street. The Landmark structure along Harrison St. does not meet this requirement.

This departure will provide an overall design that would better meet the intent of Design Review Guidelines CS3-B-2 Historical/Cultural References and CS3-II-ii Preservation. The existing structure on site has been designated as a Landmark structure and is being preserved thus meeting these guideline. As well, Landmark structures do not need to meet current code street development standards.

The Board recommended unanimously that DPD grant the departure.

- 3. Street Level Development Standards (SMC 23.48.014.A.2.b):** The Code requires transparency and blank façade standards for the area of a street facing facade between 2 and 8 feet above a sidewalk. For Class 2 Pedestrian Streets and Neighborhood Green Streets, a minimum of 60 percent of the street facing facade must be transparent and the total of all blank facade segments, including garage doors, shall not exceed 40 percent of the street facade. Harrison St. is a Class 2 pedestrian Street. For other streets (9th Ave N) a minimum of 30 percent of the street facing facade must be transparent and the total of all blank facade segments, including garage doors, shall not exceed 70 percent of the street facade. The Landmark structure along Harrison St. and 9th Ave does not meet these requirements.

This departure will provide an overall design that would better meet the intent of Design Review Guidelines CS3-B-2 Historical/Cultural References and CS3-II-ii Preservation. The existing structure on site has been designated as a Landmark structure and is being preserved thus meeting these guideline. As well, Landmark structures do not need to meet current code street development standards.

The Board recommended unanimously that DPD grant the departure.

BOARD RECOMMENDATIONS

The recommendation summarized below was based on the design review packet dated November 5, 2014, and the materials shown and verbally described by the applicant at the November 5, 2014 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, five Design Review Board members recommended **APPROVAL** of the subject design and of the requested departures with the following conditions:

1. Explore providing a wider canopy at the retail space along 9th Ave N and consider ground support for the canopy if needed. (PL2.C.1)
2. Provide lighting as part of the landscaping and design in the extended curb bulb along 9th Ave N. (PL1.I.iii, PL2.I.ii, DC4.C.1)
3. Provide signage, lighting and safe and easy wayfinding to bike storage areas. (PL4.B.2)
4. If the gabion wall cannot be constructed as shown provide a textured wall of a similar scale and historical connection. (CS3.B.2)

Applicant response to Recommended Design Review Recommendations:

1. The MUP plans have been modified to show increased canopy coverage by approx. 2'. The proposal satisfies recommendation #1.
- 2&3. The applicant did not address conditions, 2 or 3 as part of the MUP review, so these will be conditioned to be met prior to building permit issuance.

4. Condition #4 will be made a condition until the Certificate of Occupancy is issued, as listed at this end of this document. If needed, the applicant will provided DPD with graphics for the design of the textured wall in lieu of the gabion wall. The final design will be approved by the DPD Land Use Planner prior to installation.

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F 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:

- a. *Reflects inconsistent application 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
- d. *Conflicts with the requirements of state or federal law.*

Director’s Analysis

Five members of the West Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Director’s Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board’s recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures.

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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 9/17/2014. The Department of Planning and Development (DPD) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or its agents; and any 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, limited effects, or proposed mitigation, 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.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Public Comment:

The public comment period began on June 23, 2014 ended on July 6, 2014. No public comments were received.

Short Term Impacts

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

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

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.

Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a demolition, grading, or building permit, whichever is issued first.

Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Increased trip generation is expected during the proposed demolition, grading, and construction activity, with haul routes restricted to nearby arterials (9th Ave N, Westlake Ave N, and N. Mercer St). The immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction haul route and truck trip impacts, the applicant shall submit a Construction Haul Route to SDOT for approval. Evidence of this approved plan shall be provided to DPD prior to the issuance of demolition and building permits.

To mitigate construction parking impacts, the applicant shall submit a Construction Parking Plan to DPD for approval. This plan shall identify nearby off-street parking lot locations, number of stalls per lot, and distance from the subject property. The plan shall also include the peak number of construction workers anticipated at the proposed development during construction.

The plan shall also identify any strategies to reduce the amount of single occupancy commuting by construction workers at the site. Approval of this plan by DPD will be required prior to the issuance of demolition and building permits.

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; and increased light and glare. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions; height, bulk and scale; historic preservation; light and glare, traffic and transportation; and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, 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 site includes a designated City of Seattle historic landmark. Modification to these landmarks requires a Certificate of Approval from the Landmarks Preservation Board, prior to MUP issuance. The applicant has applied for this Certificate and is proceeding through the Landmarks Board review and process, per the requirements of the Landmarks Preservation Ordinance. A Certificate of Approval from the Landmarks Board must be issued prior to issuance of the MUP, as conditioned below.

Per the Overview policies in SMC 25.05.665.D, the existing codes and regulations to mitigate impacts to historic landmarks are presumed to be sufficient, and no further conditioning is warranted.

Light and Glare

It is the City's policy to minimize or prevent hazards and other adverse impacts created by light and glare to motorist, pedestrian and the surrounding area. The exterior building materials of the tower will be reflective in nature. However given the location of the project and the opacity of the lower levels, the project is not expected to create negative impacts.

Traffic and Parking

The applicant submitted a Transportation Impact Analysis by transpo Group, dated August, 2014 and a memorandum modification on April 16, 2015. The memorandum modified the original report as the residential unit count and retail square footage amounts had been reduced.

The project (using the memorandum numbers) is expected to generate 720 new net vehicular weekday trips with 65 new trips occurring during the weekday PM peak hour. Access to the parking would be by alley, accessed from N. Harrison St and N. Republican St. The LOS rating for the alley access would be LOS B and the nearest off-site intersections will continue to operate at the current LOS ratings during weekday PM peak hours.

The report also found that the proposed parking garage will accommodate the anticipated peak parking demand for the residential and retail peak parking demand. Visitors would be accommodated in the adequate on-street parking or public off-street lots.

The applicant will be required to pay a South Lake Union transportation mitigation fee. The projected mitigation fee is \$46,108.00 based on the projects calculated pro-rata share. This fee shall be paid prior to building permit issuance, consistent with DPD business rules, and conditioned with this decision. The condition to pay a pro rata contribution of \$46,108.00 is expected to adequately mitigate the adverse impacts from the proposed development.

DPD's Transportation Planner has reviewed the Transportation Impact Analysis and determined additional SEPA mitigation is not necessary.

DETERMINATION OF NON-SIGNIFICANCE

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.

- 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 DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a MUP

1. A Certificate of Approval from the Landmarks Board must be issued prior to issuance of the MUP.

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

2. If the applicant intends to work outside of the limits of the hours of construction described in condition #6, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include the specific mitigation listed in the Addendum, and may include additional proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.
3. The applicant shall provide DPD with a copy of a Construction Haul Route, approved by Seattle Department of Transportation.
4. A DPD-approved Construction Parking Plan is required. This plan shall be provided to the Land Use Planner for review and approval (Beth Hartwick 206-6843-0814 or beth.hartwick@seattle.gov).

Prior to Issuance of a Building Permit

5. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$46,108.00 to the City of Seattle.

During Construction

6. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #2.

DESIGN REVIEW - CONDITIONS OF APPROVAL.

Prior to Issuance of a Building Permit

7. Provide lighting as part of the landscaping and design in the extended curb bulb along 9th Ave N.
8. Provide signage, lighting and safe and easy wayfinding to bike storage areas.

Prior to Certificate of Occupancy

9. If the gabion wall cannot be constructed as shown in the MUP drawings and DR Recommendation packet, provide a textured wall of a similar scale and historical connection. If needed, the applicant will provided DPD with graphics for the design of the textured wall in lieu of the gabion wall. The final design will be approved by the DPD Land Use Planner prior to installation.
10. 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).
11. 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov).

For the Life of the Project

12. 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 (Beth Hartwick 206 684-0814 or beth.hartwick@seattle.gov) or a DPD assigned Land Use Planner.

Signature: retagonzales-cunneentubby for _____ Date: April 27, 2015
Beth Hartwick, Senior Land Use Planner
Department of Planning and Development

BH:rgc
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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.