



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 Numbers: 3016544 & 3016871
Applicant Name: Jodi Patterson-O’Hare, for Holland Partner Group
Addresses of Proposal: 1287 Westlake Avenue N & 1414 Dexter Avenue N

SUMMARY OF PROPOSED ACTION

3016544 - Shoreline Substantial Development Application to allow a six-story structure with 158 residential units and approximately 1,600 sq. ft. of street-level retail space within a liquefaction-prone environmentally critical area. The existing two-story and single-story commercial structures and surface parking area will be demolished. Parking for 250 vehicles, serving this structure and the structure proposed at 1414 Dexter Avenue N (MUP 3016871) will be located below grade at the 1414 Dexter Avenue N site. The combined projects include 41,500 cu. yds. of grading.

3016871 - . Land Use Application to allow a 6-story building containing 159 residential units and below-grade parking for 250 vehicles.

The following Master Use Permit components are required:

Shoreline Substantial Development – Seattle Municipal Code Section 23.60.022.B, (23.60.608.2.a) to allow a multifamily residence on a upland lot within the Urban Stable (US) environment (applies to #3016544 only)

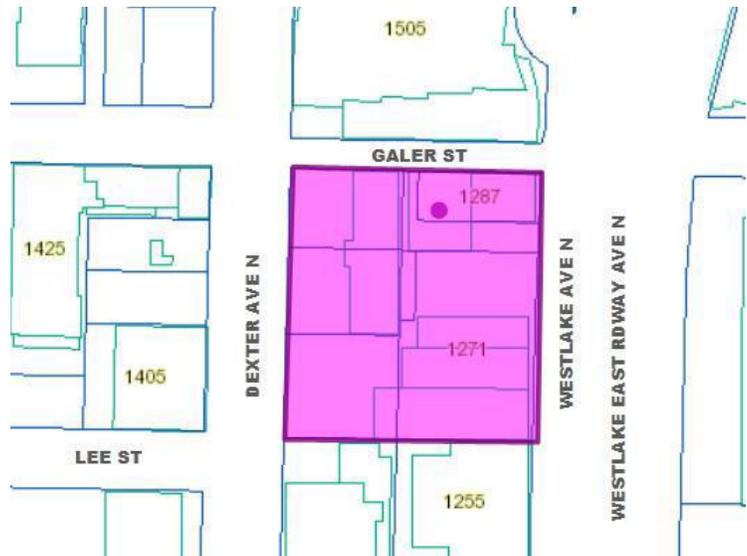
Design Review - Seattle Municipal Code Section 23.41 with Development Standard Departures

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 two adjacent development sites are bounded on the east by the Westlake Avenue N. and on the west by Dexter Avenue N. The north property line of each site abuts the right-of-way of Galer Street, which is unopened west of the proposed development area. The irregular shoreline of Lake Union lies within 100 feet of a portion of the eastern property line. The entirety of the two adjacent development sites is zoned SM 85/65-125 (Seattle Mixed) with variable height limits dependent upon uses. A portion of the eastern site, approximately one-third of the half abutting Westlake Avenue N., lies within the Urban Stable (US) shoreline district. The entirety of the two adjacent sites lies within the South Lake Union Urban Center.



Immediately to the east of the eastern development site and east of the centerline of Westlake Avenue N., properties are zoned C2-40. The area north of Galer Street is zoned C2-65.

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.

Concurrent development is proposed for the seven parcels that comprise the northern end of the block that extends south of Galer Street between Dexter Avenue N. and Westlake Avenue N. The western three parcels of land, occupied with a commercial building and surface parking lot, level with Dexter Avenue N., will be replaced by a 6-story structure containing 159 residential units. Space serving both proposed structures, and accommodating parking for 250 vehicles, will be allotted below grade in the western structure. The area comprised of the four eastern parcels, now developed with low commercial structures and surface parking, will be demolished. The proposed 6-story eastern structure will contain 158 residential units and approximately 1,600 sq. ft. of street-level retail/commercial space. The east and west sites will function as one cohesive development, with connected access to parking, some common entries and residential amenities. Along Westlake Avenue N. the proposed building's mass is broken at the center to allow for a courtyard where landscaping will be planted on native soil since there will be no garage structure below. Within the courtyard, at the streets edge, there will be a pavilion, largely composed of glass, which will serve as the focal point of the residential entry.

North of the combined sites is the Galer Street Hill-climb, which connects to an overpass at Aurora Avenue N. and a continuation of the hill-climb up Queen Anne hill. Vehicular street improvements terminate on Galer Street, which is narrow and functions as an alley, at the place where the two buildings are conjoined. The proposed development will take vehicular access, for parking and services, into the western building off a turn-around at that point which connects to Westlake Avenue N.

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 northeast corner of the east structure, where Westlake Avenue N. intersects with Galer Street. Five floors of below grade parking that will jointly serve the two buildings will be located in the west building which will connect to the adjoining building beneath grade.

PUBLIC COMMENTS

Comments were received during the public comment period that originally ran from May 2, 2014 until May 21, 2014 and again between October 23, 2014 and November 21, 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.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030A of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

1. *The policies and procedures of Chapter 90.58 RCW;*
2. *The regulations of this Chapter; and*
3. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water. The proposed improvements to the site at 1287 Westlake Avenue N. would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for economic development and employment within an urban environment zoned for such development and otherwise compatible with it. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to act primarily in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the

Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development on the eastern portion of the Adjoining development sites occurs partially on lands classified as three upland lots (SMC 23.60.924 “L”) located within an Urban Stable (US) shoreline environment. The proposed use is permitted outright on an upland lot in the US shoreline environment (SMC 23.60.608 A.2.a. (1)).

SMC 23.60.004 - Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan’s Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The goals and policies support the development of a mixed-use, primarily residential, building at this site, consisting of three upland lots totaling approximately 11,000 sq. ft. of land adjacent to Westlake Avenue N. Slightly less than one third of the overall building site is contained within the US shoreline district. Land Use Policy 135 is to “accommodate in general commercial zones the broadest range of commercial activities allowed in commercial areas.” Land Use Goal 40 encourages “the integration and location of compatible uses within segments of the shoreline,” while Land Use Goal 41 sets forth the intention to “locate all non-water-dependent uses upland to optimize shoreline use and access.”

The purpose of the Urban Stable (US) environment as set forth in Section 23.60.220.C.7 is “to provide opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses” while still providing and enhancing “views of the water from adjacent streets and upland residential areas.” The proposed development of a building designed for residential units is a use allowed outright on an upland lot in the US environment. The development would be located across from the broad expanse of the Westlake Avenue N. right-of-way that separates the site from the shore land and the actual shoreline of Lake Union. Development on the upland lot would in no way prevent or minimize future properly water-dependent uses along the shoreline itself and is thus supportive of both the purpose of the US shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

SMC 23.60.152 – General Development Standards for all Shoreline Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses on non-submerged lands are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as...fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed, having gone through design review process, zoning and environmental reviews, and as conditioned (see below), the project complies with the above shoreline development standards.

There will be ground disturbance of the existing soils on the subject site in order to construct the intended structure. In all, nearly 5,100 cubic yards (of a total of 41,500 cubic yards) of grading is anticipated on the eastern portion of the development site. Most of the excavated soils will be trucked and permanently removed from the site. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort; DPD developed a Director's Rule 2009-15, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures. As conditioned, the short-term construction related activities should have minimal effects on the water quality of the nearby lake or on migratory fish routes.

SMC 23.60.608 – Permitted Uses on upland lots in the US Environment

“Multifamily residences” is a permitted use allowed outright on upland lots in the US Environment, per (SMC 23.60.608 A.2.a (1)).

SMC 23.60.630 – Development standards for the US Environment

The proposal is subject to the development standards for the US environment. At this location structures are allowed to occupy 100 percent of an upland lot in the US Environment. No view corridors are required on upland lots in the US Environment. No public access is required on upland lots in the US Environment. DPD has determined that the proposal comports with all development standards for the US Environment.

Chapter WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, the criteria and procedures of SMC Chapter 23.60 are consistent with WAC 173-27 and RCW 90.58.

SMC 23.60.752 – Height in the US Environment

The maximum height for this section of the US Environment is 65 feet. Any development within the US Environment is limited to 65 feet in height and the height of rooftop features is as regulated by SMC 23.60.632 D.1-3. Structure height within the shoreline will be measured as required by Code within the shoreline. Portions of the structure outside the US Environment are regulated by the SM 85/65-125 zoning designation and the tallest portion of the structure will be built to the 65-foot height limit as allowed and required to be measured by the Seattle Municipal Code. While there could be some impacts on landwards views from buildings across Westlake Avenue N. located to the east, there are no protected views at issue and there is little or no view impact from structures located to the east of the project. No view corridors are required for development on upland lots in the US Shoreline Environment.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is GRANTED.

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 March 12, 2014, three design alternatives were presented by the applicants for two 6-story mixed-use buildings to be located at 1287 Westlake Avenue N. and 1414 Dexter Av N. . The first scheme was for a square doughnut configuration with a central courtyard and the western portion along Dexter Avenue N. “risen,” as dough is said to be, in keeping with the doughnut metaphor, some four stories above the eastern portion. The second scheme aligned two structures with the eastern portion containing its own central courtyard and the west building arranged in a fat “C” configuration with a modest indentation in the middle portion as it faces onto Dexter Avenue N. A third and preferred scheme breaks the east building into two smaller masses extending to the street north and south property line, with a deep courtyard in-between, within which there was a small pavilion, aligned with the sidewalk. The west building in this scheme appears as a rectangular bar, three times as long as it is wide, and articulated as three separate masses as it faces onto Dexter Avenue N. This preferred scheme the Board found the most intriguing architecturally, especially since the courtyard of the east building opened the entire development more substantially to the lake as it stepped up the hillside and offered more opportunities to integrate the internal spaces of the building and relating more sensitively to the existing urban context. Since the east courtyard would be planted on native soil rather than above a garage structure, a planting area for larger trees and shrubs was made possible.

The applicant's Early Design Guidance Design Review packet presented at the meeting is available online by entering the project number (3016544 and 3016871) at this website:

[http://www.seattle.gov/dpd/Planning/Design Review Program/Project Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp)

After soliciting comments from the public, the Board noted the following guidance and identified the following Citywide Design Review Guidelines for Multifamily and Commercial Buildings as of highest priority for the project:

1. Massing Response to Topography, Context, and Trees: The hillside context is that of stepped massing that responds to topography. The proposed design should respond to this context.

- a. The proposed design should respond to the stepped massing context through either physically stepping the building with grade, or a strong design that visually expresses the transition with grade. (CS1.C, CS2.B1, CS2.D.2, CS2.I, CS3.I, DC2.C and DC2.D)
- b. The Board supported the conceptual façade treatment and articulation shown in the EDG meeting. The design should be developed to further express the concepts shown at EDG. (CS2.D.2, DC2.D, DC4.A.1)
- c. The Board noted that the preferred massing appears to be a better response to Guidelines than the massing alternative that results from retention of the Exceptional Tree(s). The preferred massing provides more usable open space, a better response to nearby streetscape context, and a better opportunity for the development to respond to the site topography. Additional review of this item will be required at the Recommendation stage of review. (CS1.D, DC4.D)

2. Response to Galer Hill Climb and Pedestrian Bridge: The proposal should be designed to minimize shadowing or provide a design solution to enhance the Galer hill climb.

- a. The proposed building design should minimize shadows to the Galer hill climb. (CS1.B)
- b. The design should include paving patterns, wayfinding signage, or other design cues to highlight the adjacent pedestrian amenity of the hill climb and pedestrian bridge over Westlake Ave N. (PL1.B, DC3)
- c. The Board supported the applicant's intent to provide a playful and lively design on the north facing façade to enhance the pedestrian experience in the hill climb and pedestrian bridge. The services and parking at the north façade should also be designed to minimize visual impacts to the pedestrian (hill climb). (DC1.C)
- d. The north façade should include lighting and transparency to maximize safety for the adjacent hill climb. (PL1.B)

3. Courtyards and Landscaping: The Board supported the courtyard location, the proposed conceptual landscape plan with large caliper trees in native soil courtyards, and the intent to remove the two Exceptional Trees.

- a. The proposed design should maximize sunlight to the east courtyard. (CS1.B)
- b. The Board noted that retaining the Exceptional Trees would result in less usable landscaped open space than the preferred alternative. (CS1.D, DC4.D)
- c. The Board strongly supported the intent to provide large caliper trees in the courtyards. (CS1.D)

- d. The courtyard size and native soil condition (no garage structure below) present an opportunity for sustainable design. The design should be developed to maximize water retention/treatment/landscaping/materials. (CS1.I)

4. Architectural Concept: The Board supported the conceptual façade design and articulation, but noted the need for human scale at the street level facades and north façade.

- a. The Board supported the proposed articulation, strong overall design concept, and expression of base/middle/top. (CS2.A, CS2.C.3, CS2.D, DC2.B, DC2.D.2)
- b. The design should be designed in response to the high visibility of the northeast corner, due to the adjacent Galer St public right of way and the hill climb/pedestrian bridge. (CS2.C.1, DC4.A.1)
- c. The proposed architectural concept should express the context of stepped massing on the hillside sites and the lower height zoning and context on Westlake Ave N. (CS2.B.1, CS2.D.2)
- d. The street level facades should be designed to relate to the human scale on Westlake and Dexter Avenues. (DC2.D)
- e. The north façade should be designed with the same careful attention to detail as the street level and upper level facades, given the visibility of this façade from the Galer St hill climb. The upper level façade treatment should be carried down through the garage entry and service uses at grade. (DC2.B, DC2.D)
- f. The overall design should set a context of visual interest and human scale at the street level. (CS3.A.4, DC4.A.1)
- g. The Board supported the conceptual design of the roofscape on both sites. (DC2.I)

5. Street Level Design on Dexter Ave N and Westlake Ave N: The Board stressed the importance of designing both the east and west street frontages for flexible uses over time, human-scaled design response to the pedestrian environment, and entries that relate to the street context.

- a. The street level residential and commercial space should be designed for human scale. (CS2.B.2, DC2.D)
- b. Dexter is a multi-modal street with focus on transit and bicycle amenities. Westlake is planned with a similar bicycle track. Both Dexter and Westlake may evolve into more commercial corridors with future development, increased pedestrian activity, and increased transportation corridors. The proposed street level facades should therefore be designed for maximum flexibility for future commercial use, while providing the buffers and screening necessary for proposed street level residential uses. (CS2.B.2, PL1.III, PL3.B, DC1.A)
 - i. Potential strategies include moveable planters to define patios/provide screening, designing street frontages with large glazed areas and potential for future signage, providing commercially dimensioned depth and height at the street level, using non-structural interior walls between units, etc.
- c. The Board supported the proposed retail at the northeast corner. (PL2.I.iii)
- d. The street level design should enhance the building entries and provide waiting/loading areas for resident pickup/drop off. The Board noted that the busy Avenues present a challenge for this function near the entries. (PL3.A)
- e. Both Dexter and Westlake street frontages should be designed to complement the existing and proposed bicycle corridors and transit corridors. (PL4.B, PL4.C)

DEPARTURES

At the time of the Early Design Guidance meeting, the following departures were requested:

1. ***Street Setbacks (SMC 23.48.014.A.3.b):*** *The Code requires a maximum setback of 12' from the street-facing lot line. The applicant proposes a setback of 20' from the west property line and 95' from the east property line to allow for courtyards adjacent to the street.*

The Board indicated preliminary support for the departure. At the Recommendation meeting, the applicant should demonstrate how the proposed departure results in a design that better meets the intent of the Design Review Guidelines.

2. ***Structural Building Overhangs (SMC 23.53.035.A.4):*** *The Code allows balconies to extend a maximum of 3 feet over the property line, as long as the corners of the balconies are at 45 degree angles to the face of the balcony. The applicant proposes balconies that extend a maximum of 30" over the property line, but have squared off corners.*

The Board indicated preliminary support for the departure. At the Recommendation meeting, the applicant should demonstrate how the proposed departure results in a design that better meets the intent of the Design Review Guidelines.

BOARD DIRECTION

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

Design Review Board Recommendation Meetings

At a Design Review Recommendation Meeting on September 10, 2014, developments in the design since the EDG meeting were briefly presented to the Board. The preferred options for the two buildings showed the two building sites functioning as one cohesive development site with connected access to parking, common entries and residential amenities. In the description of the design team, the two buildings have been designed as a "lakeside residence," employing a "bold architecture" and taking inspiration from the nautical motifs abundant on Lake Union. Along Westlake Avenue N. the massing of the east building mass was broken at the center to allow for courtyard with large caliper trees planted on native soil. At the street edge of the courtyard there was a pavilion, largely composed of glass, which serves as a focal point of the residential entry. While appreciative of the value of the *sketches* that comprised the main part of the architectural presentation and of their ability to convey the character of the proposed structures, the Board was not comfortable with the heavy reliance on the sketches to impart hard information which the Board felt they needed to have in order to evaluate finer grained aspects of the proposal. Further, there were instances where the more technical drawings revealed discrepancies in intentions. The design had advanced significantly and in the right direction, the Board felt, but the packets lacked clear information needed to understand a complex pair of buildings on a complex development site. More information was needed, for instance, to clearly understand how recesses and the projections of balconies, worked together. The blue areas in the pencil sketches captured the character of the frame elements, but the Board desired more information regarding the materials, their relation to one another, the detailing of joints, and the precise coloring to be

assured that the intent of the projections was achievable. In general, the secondary frame elements made a greater impression in the renderings and appeared larger than in the more technical elevation views.

The design of the solarium was unclear. The positive impression conveyed of this feature in the sketch of the Dexter Avenue N. frontage on page 22 was reduced to something less than tantalizing in the more technical rendering of the same façade on page 44. The Board wanted to know more about the relationship of the solarium to the entry. A transition in plane, materials, and detailing would help to differentiate the solarium as an element of the façade. Design of the solarium should, ideally, contribute to a perceived reduction in the appearance of the bulk of the building along Dexter Avenue N.

Additionally, there was concern that the pavilion on Westlake would not be activated nor activate the street, nor would it provide the desired optimal transparency into the courtyard. The way the residential entry worked in conjunction with the pavilion and courtyard needed further clarity.

The retail expression at the corner of Westlake and Galer was not legible as retail. Along Dexter Avenue N. the grade differential between the unit terraces and the adjacent sidewalk needed greater clarity and illustration.

It was noted that the depth of the planters along Galer Street might not support the levels of vegetation shown in the renderings. The appearance of the concrete surround of the parking entry on Galer Street was quite massive and in need of additional detailing to reduce its perceived dominance. The lighting fixtures at the garage entry were too utilitarian and needed further thought. More specific responses to the strategies discussed at the EDG meeting for addressing the improvements to Galer Street were needed. The landscaping proposed for the courtyard on Westlake Avenue N. failed to convey the on-grade, native soil condition that existed there. The raised walls and planters shown were those one might expect in a garage roof condition.

Finally, concern was expressed that the signage proposed for labelling and identifying the development was not germane to the place and should be better connected to the industrial maritime theme in this lakefront context.

Departures

These were identified as requested departures at the Recommendation meeting on September 10, 2014: Setbacks from street lot lines (SMC 23.48.014.3.B); Structural Building Overhangs (SMC 23.53.035.B.11); [Sight Triangle \(SMC 23.54.030.G.1\)](#).

BOARD'S DETERMINATION

At the conclusion of the FIRST RECOMMENDATION meeting, the Board recommended the project return for another meeting in response to the guidance provided. Final determinations regarding requested departures would be made at that time.

Final Recommendation Meeting: November 12, 2014

The packet includes materials presented at the meeting, and is available online by entering the project number.

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

DESIGN DEVELOPMENT

As had been presented at the earlier recommendation meeting on September 10, 2012, the proposal was for two sites functioning as one cohesive development with connected access to parking. The two buildings were largely as presented at the earlier recommendation meeting but with renderings that conveyed a greater level of detail.

BOARD DELIBERATIONS

The Board commended the design team for providing a packet that was comprehensive and consistent in its portrayal of the proposal and quite legible in its renderings. Responding to earlier concerns the Board had relayed to the team, the signage was tastefully done and appropriately scaled and the lighting scheme was thoughtfully designed. Among issues raised by the Board were the following:

- The cable railings on the balconies were insufficient to convey the strong impression of horizontality that the Board had asked for and a change in materials was needed;
- The differentiation between the blue and the white fiber cement panels needed further contrast which should be conveyed by requiring a differentiation in paint sheen as well as color;
- The landscaping plant pallet, in particular its selections for along the sidewalk edges, within planters and planting strips needed expanding and a showing of greater complexity;
- The viability and vigor of the plantings along the base of the buildings where they met the Galer right-of-way was challenged;
- The residential entry on Westlake Avenue N. needed to read as a residential entry and needed to convey a greater sense of transition and arrival and to be better integrated with other features of the ground level façade;
- The earlier guidance regarding the residential entry on Dexter had not been sufficiently addressed and there was a need for a larger exterior covered area adjacent the entry, an area that should include the proposed bench for seating;
- Lest there be slippage in these and other concerns expressed by the Board, conditions of approval of the design and requested departures would be appended to their approval.

DEPARTURES

A departure was proposed from **SMC 23.54.030.G** which would require a sight triangle at the parking entry on Galer Street. The applicant would like to omit the triangle at the west side of the parking garage since Galer Street was not a through street and there would be no pedestrian of vehicle traffic coming from the west on the south side of the street. The parking entry could be minimized and made less formidable, providing for a better overall design.

A second departure, that from **SMC 23.48.014.A.2** was requested. This would allow a portion of the street-facing façade along Westlake to be approximately 13 feet in height, rather than the minimum of 15 feet in height. This would better meet the design guidelines, in particular DC2-D1 which would incorporate architectural features of a human scale into building facades and entries.

DESIGN REVIEW BOARD'S RECOMMENDATIONS

The four Board members attending the Final Recommendation Meeting on November 12, 2014 unanimously voted their recommendation of approval of both the design and the requested departures, with special consideration for the following elements of the design and the added conditions listed at the end of this decision (see below, *Conditions-Design Review*).

The Board considered the following elements to be essentially constitutive of the approved design and to be clearly incorporated into the MUP plans prior to MUP issuance:

Landscape Design

1. The volume of plantings shall be consistent with that shown in the Design Review packet prepared for the Final Recommendation meeting.
2. Tree plantings shall provide the larger caliper of trees as shown in the packet prepared for the Final Recommendation meeting on November 12, 2014.

Architectural

3. The design of the pavilion shall remain consistent with the design shown in the Design Review packet for the Final Recommendation meeting.
4. The secondary exterior framing elements shown in the Design Review packet prepared for the Final Recommendation meeting shall remain as shown in the packet.
5. The plane change between the major blue and the white elements shall remain at 18 inches and be detailed as shown in the packet prepared for the Design Review Final Recommendation meeting.
6. Both the scale and the materials indicated for all signage shall remain as shown in the packet prepared for the Final Recommendation meeting; the wayfaring sign shall remain and installed as shown in the packet prepared for the Final Recommendation meeting.

Colors

7. Window colors shall remain as shown in the packets prepared for the Final Recommendation meeting, with white frames in areas of white siding and dark frames in areas of blue siding.
8. The areas of gray siding shall be lapped, as indicated in the presentation and in the packets prepared for the Design Review Final Recommendation meeting.

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 November 12, 2014 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 November 12, 2014 meeting 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 foot size threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated April 22, 2014 and updated November 4, 2014. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

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

Short-Term Impacts

The 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 41,500 cubic yards of excavation for construction of the two structures. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, and removal of debris and regulates obstruction of the pedestrian right-of-way.
- PSCAA regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

Drainage

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

Earth – Grading

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 entire 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 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 41,500 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.

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 41,500 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. 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 /Noise 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

The site has been developed previously and there are existing buildings on the site, including the two story West Marine building, built in 1945, and the one story Softky Radiator Specialists building, built in 1940. Historic Resource Assessments on the two structures were prepared by Cultural Resource Consultants, Inc., and reviewed by the City of Seattle Landmarks Preservation Board. In each instance the Board has determined that it is unlikely that the subject properties of structure would meet the standards for designation as landmarks.

Approximately 50 percent of the eastern portion of the site, however, lies 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. 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 are two that would be affected by the proposed action and these both lie 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 views.

Both Dexter Avenue N. and Westlake Avenue N. are City-designated Scenic Routes with north and south views unaffected by the proposed project. Since Westlake Avenue N. is located east of the development site, views to the east toward Lake Union and the Cascade mountains would not be impacted by the proposed project. An evaluation of east-west views along Dexter Avenue N. indicates some additional scenic obscuration attributable to the project. Territorial views of Lake Union from Dexter Avenue N. would remain in the vicinity, however, including those available from the east-west rights-of-way associated with Comstock Street, Garfield Street and Highland Drive. In addition, the project would enhance views of Lake Union through removal of several large trees within the right-of-way of Galer Street which currently block views of the Lake from Dexter, and their replacement with shorter and less dense species and specimens.. Even at maturity only the tops of the replacement trees would be visible at grade on Dexter Avenue N., allowing views of the Lake not currently available. The replacement trees would result in a broader corridor in the right-of-way than currently exists, thus abating other more intractable view impacts. No further mitigation appears warranted.

Traffic and Transportation

A Transportation Impact Study was prepared by Transportation Engineering NorthWest (TENW) Inc., dated April 22, 2014, to determine the traffic impacts of the proposal. According to the Transportation Impact Study, the proposed development is estimated to generate approximately 1,250 net new vehicle trips, 119 new vehicle trips during the weekday AM peak hour and 128 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 in the future, with or without the proposed project during the weekday PM peak hour

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 \$209,589. 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 0.79 stalls per unit, the expected parking demand is 250 parking stalls for the combined residential units of the two structures. Since the plans call for 250 proposed spaces, no parking spillover is expected and no mitigation under SEPA authority is warranted.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. 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 \$209,589 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 Construction, Shoring or Grading Permits

2. A Construction Monitoring and Discovery Plan will be required prior to issuance of any sub-grade excavation or construction on the project site.
3. The applicant shall submit for review and approval a Construction/ Noise 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 including construction hours, parking, traffic and issues concerning street and sidewalk closures.
4. The applicant shall be liable to SDOT for a transportation mitigation fee of \$209,589, which is the final cost share figure developed by TENW, dated April 22, 2014.

Conditions-Shoreline Substantial Development

None.

Conditions-Design Review

Prior to Certificate of Occupancy

Landscape Design

5. Provide a consistent palette but greater variety of plant species at all street frontages, including variations in plant height in the planter elements and employment of layering strategies within the planting strips at both Dexter Avenue N. and Westlake Avenue N.; The planters along Galer Street shall be designed to provide 16 inches of soil measured horizontally and perpendicular from the face of the building.
6. The retaining wall to be provided along the sidewalk on Dexter Avenue N. shall not exceed at any point 24 inches above the sidewalk and should step more frequently if necessary so as not to exceed this maximum height; an integrated cable railing system shall be allowed in conjunction with the retaining wall.
7. The fence at the southeast corner on Westlake Avenue N. shall be moved to the western edge of the rain water planter and shall match the height and materials used on other street-level guardrails.

Architectural

8. All balcony railings shall consist of metal bars or slats (no cables) that convey a distinctively horizontal appearance.
9. The entrance on Westlake Avenue N. shall incorporate a covered exterior area on the property at least 6 by 8 feet in size to serve as a transition between public and private realms and to enhance a sense of entry; this covered outdoor area shall relate architecturally to the adjacent water feature and the “gasket” provided between the pavilion and main building.
10. The covered exterior area in front of the Dexter Avenue N. pedestrian entry shall project at least 5 feet from the face of the building and the bench seating to be provided there should be located within the covered area.

Colors

11. A consistent and noticeable variation in paint sheen shall be employed to differentiate between the white and blue painted fiber cement surfaces.

Signature: _____ *Denise R. Minnerly for* _____ Date: March 5, 2015
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:drm

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.