



**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Record Number:** 3039979-LU

**Applicant:** Jodi Patterson-O'Hare, Permit Consultants NW

**Address of Proposal:** 901 Lenora St.

**SUMMARY OF PROPOSAL**

Land use application to allow an 11-story office building with retail. Parking for 178 vehicles proposed. Existing building to be demolished. Early Design Guidance conducted under 3039969-EG.

The following approvals are required:

- I. Design Review with Departures (SMC Chapter 23.41)\***  
*\*Any departures are listed near the end of the Design Review Analysis section of this decision.*
- II. SEPA Environmental Determination (SMC Chapter 25.05)**

**SEPA DETERMINATION**

- Determination of Nonsignificance (DNS)
  - Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
  - No mitigating conditions of approval are imposed.
- Determination of Significance (DS) – Environmental Impact Statement (EIS)
- Determination made under prior action.
- Exempt



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

## SITE AND VICINITY

*Site Description:* The rectangular site comprises approximately 31,600 square feet of land area. A two-story L-shaped office building constructed in 1957 is sited along the Lenora Street and 9<sup>th</sup> Avenue property lines forming a corner at the Lenora Street and 9<sup>th</sup> Avenue intersection. A surface parking lot oriented in an opposing L-shape occupies the southeastern portion of the site. There are no on-site trees but street trees line the adjoining rights-of-way. The site slopes gently east to west descending approximately eight feet.

*Site Zone:* Downtown Mixed Commercial with 240' and 290'-440' height limits for commercial and residential uses, respectively.

*Adjacent Zoning:* Immediately surrounded by DMC 240/290-440.

*Zoning Pattern:* There are no zone changes adjoining the project site. At the east end of the subject parcel's block across Virginia Street, the Downtown Mixed Commercial zone height limits change to 340' for commercial uses and 290'-440' for residential uses. South of this, Downtown Office Core 2 zoning, with height limits of 500' for commercial uses and 300'-550' for residential uses, extends south and west. Two blocks north of the subject site, across Denny Way, Seattle Mixed – South Lake Union zoning, with a height limit of 240' for commercial uses and 195'-440' for residential uses, extends north.

*Environmentally Critical Areas:* None mapped.

*Surrounding Development and Neighborhood Character:* Both Lenora St and 9th Ave are designated green streets. Adjacent to the site are multifamily residential structures to the northeast and northwest, an institutional structure to the southeast (Cornish College of the Arts), and a civic building to the southwest (Washington Talking Book and Braille Library). The Denny Triangle neighborhood comprises commercial uses present on Denny Way, Westlake Ave, and Stewart St and multifamily residential and institutional uses within this area. This neighborhood lies between the dense Downtown retail core to the south and the South Lake Union neighborhood to the north.

The Denny Triangle neighborhood has witnessed vacant lots and older low- and midrise structures replaced by primarily highrise residential developments. Buildings in the vicinity rise up to forty stories in height. Newer developments feature extensive glazing and varied modulation above articulated podiums. Strong streets walls are lined with street trees and interrupted by the occasional surface parking lot, plaza, or older lowrise structure. By contrast, older structures dating from the early- and mid- 1900s are lowrise, warehouse-style or masonry developments. Increased development to create housing is anticipated to continue depending on market demand. The area was rezoned from Downtown Mixed Commercial 240/290-400 to Downtown Mixed Commercial 240/290-440 on May 14, 2017.

*Access:* Vehicle access for the existing development is provided from the alley and from an existing curb cut along 9<sup>th</sup> Avenue. Pedestrian access occurs from 9<sup>th</sup> Avenue, Lenora Street, and the alley. Vehicular access for the proposed building is proposed from the alley.

## PUBLIC COMMENT

The public comment period ended on March 1, 2023. In addition to the comments received through the design review process, one additional comment was received and carefully considered. This public comment related to archaeological resources and inadvertent discovery.

### **I. ANALYSIS – DESIGN REVIEW**

The design review packets include information presented at the meetings and are available online by entering the record numbers at this website:

<http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

The meeting reports and any recordings of the Design Review Board meetings are available in the project file. The meeting reports summarize the meetings and are not transcripts.

## **EARLY DESIGN GUIDANCE – NOVEMBER 22, 2022**

### PUBLIC COMMENT

No public comment was offered at this meeting.

SDCI did not receive any design-related comments in writing prior to the meeting.

SDCI received comments requesting more information about the project. SDCI also received comments from the President of the Board of Directors of Carbon 56 Condos (2015 Terry Ave) expressing appreciation for the applicant's outreach, responsiveness, and desire to improve the neighborhood.

The Seattle Department of Transportation offered the following comments:

- The project frontages on Lenora St and 9th Ave are required to meet the minimum standards of a 6" curb, 6' sidewalk, and 5.5' planting strip with street trees, and depicted in the design packet.
- Supported pushing out the curb on Lenora St and 9th Ave to match the rest of the block.
- Unsupportive of a loading zone on 9th Ave.
- A 2' alley dedication is required as depicted in the design packet.
- Replacing curb ramps requires a Street Improvement Permit which is in process.

Seattle Public Utilities offered the following comments:

- The project must submit the Solid Waste Storage and Access Checklist for Designers and site plans that detail solid waste storage and access to SPU.
- Solid waste will be collected off the alley.
- Unsupportive of the use of uncompacted or detached compacted containers for this project.

- Strongly encouraged planning onsite roll-off garbage/recycle commercial services. Rolloff service requires a 14' overhead clearance with containers stored on a 4' high dock and a 12' wide loading berth per compactor.
- Requires turning studies that demonstrate trucks can back up to compactors with adequate clearance to protect private property.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

### PRIORITIES & BOARD GUIDANCE

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

#### **1. Massing Options:**

- a. The Board appreciated the variety provided in the three massing options, the detailed context analysis, and the overall responsiveness to the neighborhood context. (B-3, A-1)
- b. The Board unanimously supported further development of the applicant's preferred massing option C, specifically identifying the following successful elements:
  - i. The pedestrian condition provided by the increased setback and the overall visual interest provided at the street level. (C-1, B-3)
  - ii. The modulation of the massing form of three interlocking volumes resulting in a reduction of bulk and scale. (C-2)
  - iii. The overall responsiveness to the Washington Talking Book and Braille Library located across 9th Avenue. (B-3, A-1)
  - iv. The step back of the massing to allow preservation of the mature Honey Locust street tree, which inherently enhances the streetscape and also provides an opportunity for defining a sense of place. (D-2)
  - v. The clear sense of entry defined by the massing form. (C-4, B-1)
  - vi. The balconies which break up the mass along 9th Avenue. (C-2)
  - vii. The colonnade at the base which responds to the Braille Library and others in the vicinity, as well as provides visual interest. (C-1, B-1)
  - viii. The inclusion of commercial use at the street level on both Lenora and 9th. (C-1)
- c. The Board noted that the design of the alley façade should be carefully considered and coordinated with the neighboring structure. (C-6)
- d. The Board provided direction to pay special attention to the articulation of the south façade and clarify at the Recommendation meeting how the proposal responds to the existing structure and possible future development. (C-2, A-1)

- e. The Board supported development of the stair tower as an expressive element to provide a transition to the historic structure to the south. (C-2, A-1)
- f. The Board appreciated the detailed study of datum line response. However, at the Recommendation phase the Board would like to better understand the datum relationship with the buildings to the immediate southeast and northeast. (C-2, A-1)
- g. At the Recommendation phase the Board expects to review more information on the top of the tower and how it relates to neighboring buildings. (C-2)

## **2. Landscape Concept:**

- a. The Board was overall supportive of the landscape concept and voiced appreciation for the responsiveness of the landscape concept to the architecture. (D-1, D-2)
- b. The Board supported the subtle differences in the design for the Lenora and 9th green street frontages and the connection to the existing features and amenities of the two streets. (B-1, B-3, D-1)
- c. The Board specifically supported the dedicated seating areas in the right-of-way and on the site, which works to define a sense of place and create pedestrian interaction. (B-3, C-1, D-1)
- d. The Board supported the concept of continuing landscaping up the structure through the balconies and podium terrace to support the green street design as described in the packet, but it was unclear from the materials presented how this concept would manifest at the upper levels. At the Recommendation phase the Board would like to understand the relationship of the mid-level landscaping with the street level. (D-2)

## **3. Departure Requests:**

- a. The Board discussed the departures required for Option C as summarized below. While supportive of the preferred massing option, the Board was concerned about the magnitude of the departures requested and how it could impact the character of Lenora St and 9th Ave as designated green streets. Therefore, the Board requested further study and analysis be provided at the Recommendation phase demonstrating impacts to light, air, and views in the immediate context. The packet should include broader perspective views of the impacted street corridors to better understand how the structure will encroach within the required setbacks and impact the overall experience of the two streets. (B-1, C-1, C-2, D-1)

## **4. Signage and Lighting:**

- a. At the Recommendation phase the Board expects to see fully developed signage and lighting plans. (D-4, D-5)

## **RECOMMENDATION – NOVEMBER 21, 2023**

### PUBLIC COMMENT

No public comment was offered at this meeting.

SDCI also summarized design related comments received in writing prior to the meeting:

- Appreciated how the building is designed to fit into the neighborhood, particularly by maintaining the existing Honey Locust tree on the street, incorporating green street designs, and landscaping in the building and patio area.
- Appreciated the 11-story building height and high-quality design that better fit in with the scale of the block.
- Supported the updated design which includes green street departures that will promote pedestrian comfort and interaction.
- Believed the design includes appealing attributes that will enhance the neighborhood, like activated retail at the 9th and Lenora corner (Guideline C-1), enlarged green street landscaping (Guideline D-2), significant voluntary weather protection (Guideline C-5), and preservation of the honey locust tree (Guideline D-3).

SDCI received non-design related comments concerning archeological review. These comments are outside the scope of design review.

Seattle Public Utilities offered the following comments:

- The project must submit the Solid Waste Storage and Access Checklist for Designers and site plans that detail solid waste storage and access.
- Solid waste will be collected off the alley.
- SPU does not support the use of uncompacted or detached compacted garbage nor recycle containers for this project.
- SPU strongly encourages the project to plan onsite roll-off garbage/recycle commercial services. Roll-off service requires a minimum 14' overhead clearance with containers stored on a 4' high dock and a 12' wide loading berth per compactor.
- SPU requires turning studies that demonstrate trucks can back up to compactors with adequate clearance to protect private property.
- SPU and the contracted waste hauler require confirmation of one billing entity if the office and retail businesses plan to share solid waste services.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

## 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 recommendations.

### **1. Alley (East) Façade:**

- a. The Board noted the alley façade at the ground level is one of the stronger blank façade designs they have seen based on the materials and response to context. The Board recommended approval of the design and suggested that the applicant continue to work with Seattle Public Utilities on loading and solid waste requirements. (B-1, C-3, C-6)

### **2. South Façade:**

- a. The Board recommended approval of the South façade and appreciated that the panel patterns continue the exterior language of the building. (C-3, B-4)
- b. The Board recommended approval of the proposed materials and textures on the South façade and noted support for how it relates to the adjacent existing building. (B-1, C-3)

**3. West Façade:**

- a. The Board supported the exposed stair tower as it creates activation along the street, promotes the use of those stairs, and provides a clean break or band between the proposed building and the adjacent structure to the south. The Board noted the lighting of the stair tower will be important in highlighting it as an architectural element and glowing beacon at night. The Board recommended approval of the stair tower and emphasized that it be maintained as currently designed. (B-2, B-4, C-1, C-3)
- b. The greenery and landscaping provided at the balconies was strongly supported by the Board. Support was also noted for the evergreens and deciduous plantings that provide lush, overhanging greenery. The Board recommended approval of the balconies as shown in the Recommendation packet. (D-2)

**4. North Façade:**

- a. The Board continued to support the retention of the mature Honey Locust street tree. (D-2)
- b. The Board directed the applicant to soften the split face CMU that wraps the corner at the alley. The Board recommended further use of landscaping to soften the blank wall and respond to the green street but declined to require this a condition. (C-3, D-2)
- c. The Board recommended the fins in the vertical channel columns be maintained and constructed as shown in the Recommendation packet as they are a strong part of the design concept in their subtle elegance. If lost, the Board noted the building as a whole would lose character. (B-4, C-2)

**5. Roof of Building:**

- a. The Board recommended approval of the rooftop as shown in the Recommendation packet and noted the massing feels well-proportioned to itself and the existing context. The Board noted appreciation that the rooftop equipment has been pushed inward, away from the facades, while landscaping is prominent along the rooftop edges. (A-2, B-2, B-4, D-2)

**6. Streetscape/Ground Plane:**

- a. The Board recommended approval of the pedestrian elements along 9<sup>th</sup> Avenue, the proposed signage, the overall streetscape and interaction of retail spaces, the building entrance as a distinct feature, and the landscaping on level 2. (C-4, D-1, D-4 )
  - i. The Board recommended the canopies be as transparent as possible in order for the landscaping on level 2 to be as visible as possible to the public realm and enhance the pedestrian experience. The Board recommended the canopies should continue to allow air and water to the landscaping to the plantings at the base of the building. (C-5, D-2)
- b. The Board supported the proposed streetscape and encouraged the applicant to work with SDOT to maintain these features from paving treatments to lighting. (D-1)

- c. The Board noted an opportunity to provide more bicycle storage, in coordination with SDOT, in the right of way to help enhance the public realm and provide options for a variety of different users. (D-1)

**7. Materials & Architectural Elements:**

- a. The Board supported the variety of textural materials and difference in colors in the proposed glass. The coloration in vision and spandrel glass is very important because if that goes away, the building could become monotone. The Board recommended maintaining the materials as shown. (B-3, B-4, C-2)
- b. The Board recommended approval of the subtle lighting to emphasize the vertical grid patterns on the façades. (D-5)

**DEVELOPMENT STANDARD DEPARTURES**

The Board’s recommendation on the requested departures was based on the departure’s potential to help the project better meet these design guideline priorities and achieve a better overall project design than could be achieved without the departures.

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

1. **Upper Level Setback-9<sup>th</sup> Avenue (SMC 23.49.058.E.2):** The Code requires that if a lot in a DMC or DOC2 zone is located on designated green street that is not a designated view corridor requiring view corridor setbacks according to Section 23.49.024, as shown on Map 1D, View Corridors, a continuous upper level setback of 15 feet, measured from the abutting green street lot line, is required for portions of the structure above a height of 45 feet.

The applicant proposes setbacks along 9<sup>th</sup> Avenue ranging from 15’-0” to 3’-9” from the green street lot line.

The Board indicated unanimous support for the proposed departure, in part due to the light and air studies the applicant provided in the Recommendation packet demonstrating the public realm would receive more solar exposure than a code compliant building. The Board also appreciated the neighborhood context studies the applicant provided showing setbacks of existing buildings in the immediate vicinity to demonstrate the proposed building is meeting or exceeding the existing setbacks in the neighborhood.

The Board recommended approval of the departure because the resulting design better meets the intent of Design Guidelines B-1, B-2, B-3, D-1, and D-2.

2. **Upper Level Setback- Lenora Street (SMC 23.49.058.E.2):** The Code requires that if a lot in a DMC or DOC2 zone is located on designated green street that is not a designated view corridor requiring view corridor setbacks according to Section 23.49.024, as shown on Map 1D, View Corridors, a continuous upper level setback of 15 feet, measured from the abutting green street lot line, is required for portions of the structure above a height of 45 feet.

The applicant proposes setbacks along Lenora Street ranging from 15’-0” to 6’-0” from the green street lot line.



The Board indicated unanimous support for the proposed departure, in part due to the light and air studies the applicant provided in the Recommendation packet demonstrating the public realm would receive more solar exposure than a code compliant building. The Board also appreciated the neighborhood context studies the applicant provided showing setbacks of existing buildings in the immediate vicinity to demonstrate the proposed building is meeting or exceeding the existing setbacks in the neighborhood. Lastly, the Board noted support for the retention of the existing Honey Locust street tree in which the building responds to and adds additional modulation to the massing.

The Board recommended approval of the departure because the resulting design better meets the intent of Design Guidelines B-1, B-2, B-3, B-4, D-1, and D-2.

- 3. Façade Modulation (SMC 23.49.058.B):** The Code requires in DOC1, DOC2, and DMC zones, except the DMC 170 zone, façade modulation is required above a height of 85 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a façade setback 15 feet or more from a street lot line. Additionally, the maximum length of a façade without modulation is prescribed in Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a façade, including projections such as balconies, that is located within 15 feet or more from a street lot line.

The applicant proposes to allow for a portion of the West façade along 9<sup>th</sup> Avenue to extend 8' beyond the maximum length of 155' above 85' due to the proposed balconies located along 9<sup>th</sup> Avenue.

The Board indicated unanimous support for the proposed departure and felt the design exceeds the intent of the Land Use code in the ample balconies and landscaping provided to meet the intent of façade modulation.

The Board recommended approval of the departure because the resulting design better meets the intent of Design Guidelines B-3, C-2, C-4, D-2.

- 4. Maximum Street Level Setback (SMC 23.49.056.D):** The Code requires the maximum setback of the façade from the street lot lines at intersections is 10 feet. The minimum distance the façade must conform to this limit is 20 feet along each street (see Exhibit E for 23.49.056).

The applicant proposes to allow for portions of the West and North facades along 9<sup>th</sup> Avenue and Lenora Street to be set back beyond the maximum allowed 10' from the intersection of lot lines.

The Board indicated unanimous support for the proposed departure due to the unified façade expression where two volumes meet and the voluntary inclusion of the ground level retail space.

The Board recommended approval of the departure because the resulting design better meets the intent of Design Guidelines B-3.

## **DESIGN REVIEW GUIDELINES**

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by the Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

### **SITE PLANNING AND MASSING**

**A-1 Respond to the Physical Environment: Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found nearby or beyond the immediate context of the building site.**

**A-1.1. Response to Context:** Each building site lies within a larger physical context having various and distinct features and characteristics to which the building design should respond. Develop an architectural concept and arrange the building mass in response to one or more of the following, if present:

- a. a change in street grid alignment that yields a site having nonstandard shape;
- b. a site having dramatic topography or contrasting edge conditions;
- c. patterns of urban form, such as nearby buildings that have employed distinctive and effective massing compositions;
- d. access to direct sunlight—seasonally or at particular times of day;
- e. views from the site of noteworthy structures or natural features, (i.e.: the Space Needle, Smith Tower, port facilities, Puget Sound, Mount Rainier, the Olympic Mountains);
- f. views of the site from other parts of the city or region; and
- g. proximity to a regional transportation corridor (the monorail, light rail, freight rail, major arterial, state highway, ferry routes, bicycle trail, etc.).

**A-1.2. Response to Planning Efforts:** Some areas downtown are transitional environments, where existing development patterns are likely to change. In these areas, respond to the urban form goals of current planning efforts, being cognizant that new development will establish the context to which future development will respond.

**A-2 Enhance the Skyline: Design the upper portion of the building to promote visual interest and variety in the downtown skyline. Respect existing landmarks while responding to the skyline's present and planned profile.**

**A-2.1. Desired Architectural Treatments:** Use one or more of the following architectural treatments to accomplish this goal:

- a. sculpt or profile the facades;
- b. specify and compose a palette of materials with distinctive texture, pattern, or color; and
- c. provide or enhance a specific architectural rooftop element.

**A-2.2. Rooftop Mechanical Equipment:** In doing so, enclose and integrate any rooftop mechanical equipment into the design of the building as a whole.

### **ARCHITECTURAL EXPRESSION**

**B-1 Respond to the Neighborhood Context: Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.**

**B-1.1. Adjacent Features and Networks:** Each building site lies within an urban neighborhood context having distinct features and characteristics to which the building design should respond. Arrange the building mass in response to one or more of the following, if present:

- a. a surrounding district of distinct and noteworthy character;
- b. an adjacent landmark or noteworthy building;
- c. a major public amenity or institution nearby;
- d. neighboring buildings that have employed distinctive and effective massing compositions;
- e. elements of the pedestrian network nearby, (i.e.: green street, hillclimb, mid-block crossing, through-block passageway); and
- f. direct access to one or more components of the regional transportation system.

**B-1.2. Land Uses:** Also, consider the design implications of the predominant land uses in the area surrounding the site.

**B-2 Create a Transition in Bulk & Scale: Compose the massing of the building to create a transition to the height, bulk, and scale of development in nearby less-intensive zones.**

**B-2.1. Analyzing Height, Bulk, and Scale:** Factors to consider in analyzing potential height, bulk, and scale impacts include:

- a. topographic relationships;
- b. distance from a less intensive zone edge;
- c. differences in development standards between abutting zones (allowable building height, width, lot coverage, etc.);
- d. effect of site size and shape;
- e. height, bulk, and scale relationships resulting from lot orientation (e.g., back lot line to back lot line vs back lot line to side lot line); and
- f. type and amount of separation between lots in the different zones (e.g., separation by only a property line, by an alley or street, or by other physical features such as grade changes);
- g. street grid or platting orientations.

**B-2.2. Compatibility with Nearby Buildings:** In some cases, careful siting and design treatment may be sufficient to achieve reasonable transition and mitigation of height, bulk, and scale impacts. Some techniques for achieving compatibility are as follows:

- h. use of architectural style, details (such as roof lines, beltcourses, cornices, or fenestration), color, or materials that derive from the less intensive zone.
- i. architectural massing of building components; and
- j. responding to topographic conditions in ways that minimize impacts on neighboring development, such as by stepping a project down the hillside.

**B-2.3. Reduction of Bulk:** In some cases, reductions in the actual bulk and scale of the proposed structure may be necessary in order to mitigate adverse impacts and achieve an acceptable level of compatibility. Some techniques which can be used in these cases include:

- k. articulating the building's facades vertically or horizontally in intervals that reflect to existing structures or platting pattern;
- l. increasing building setbacks from the zone edge at ground level;
- m. reducing the bulk of the building's upper floors; and
- n. limiting the length of, or otherwise modifying, facades.

**B-3 Reinforce the Positive Urban Form & Architectural Attributes of the Immediate Area: Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.**

**B-3.1. Building Orientation:** In general, orient the building entries and open space toward street intersections and toward street fronts with the highest pedestrian activity. Locate parking and vehicle access away from entries, open space, and street intersections considerations.

**B-3.2. Features to Complement:** Reinforce the desirable patterns of massing and facade composition found in the surrounding area. Pay particular attention to designated landmarks and other noteworthy buildings. Consider complementing the existing:

- a. massing and setbacks,
- b. scale and proportions,
- c. expressed structural bays and modulations,
- d. fenestration patterns and detailing,
- e. exterior finish materials and detailing,
- f. architectural styles, and
- g. roof forms.

**B-3.3. Pedestrian Amenities at the Ground Level:** Consider setting the building back slightly to create space adjacent to the sidewalk conducive to pedestrian-oriented activities such as vending, sitting, or dining. Reinforce the desirable streetscape elements found on adjacent blocks. Consider complementing existing:

- h. public art installations,
- i. street furniture and signage systems,
- j. lighting and landscaping, and
- k. overhead weather protection.

**B-4 Design a Well-Proportioned & Unified Building: Compose the massing and organize the interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.**

**B-4.1. Massing:** When composing the massing, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- a. setbacks, projections, and open space;
- b. relative sizes and shapes of distinct building volumes; and
- c. roof heights and forms.

**B-4.2. Coherent Interior/Exterior Design:** When organizing the interior and exterior spaces and developing the architectural elements, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- d. facade modulation and articulation;
- e. windows and fenestration patterns;
- f. corner features;
- g. streetscape and open space fixtures;
- h. building and garage entries; and
- i. building base and top.

**B-4.3. Architectural Details:** When designing the architectural details, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- j. exterior finish materials;
- k. architectural lighting and signage;
- l. grilles, railings, and downspouts;
- m. window and entry trim and moldings;
- n. shadow patterns; and
- o. exterior lighting.

## THE STREETScape

**C-1 Promote Pedestrian Interaction: Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should appear safe, welcoming, and open to the general public.**

**C-1.1. Street Level Uses:** Provide spaces for street level uses that:

- a. reinforce existing retail concentrations;
- b. vary in size, width, and depth;
- c. enhance main pedestrian links between areas; and
- d. establish new pedestrian activity where appropriate to meet area objectives. Design for uses that are accessible to the general public, open during established shopping hours, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity.

**C-1.2. Retail Orientation:** Where appropriate, consider configuring retail space to attract tenants with products or services that will “spill-out” onto the sidewalk (up to six feet where sidewalk is sufficiently wide).

**C-1.3. Street Level Articulation for Pedestrian Activity:** Consider setting portions of the building back slightly to create spaces conducive to pedestrian-oriented activities such as vending, resting, sitting, or dining. Further articulate the street level facade to provide an engaging pedestrian experience via:

- e. open facades (i.e., arcades and shop fronts);
- f. multiple building entries;
- g. windows that encourage pedestrians to look into the building interior;
- h. merchandising display windows;
- i. street front open space that features art work, street furniture, and landscaping;
- j. exterior finish materials having texture, pattern, lending themselves to high quality detailing.

**C-2 Design Facades of Many Scales: Design architectural features, fenestration patterns, and material compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.**

**C-2.1. Modulation of Facades:** Consider modulating the building facades and reinforcing this modulation with the composition of:

- a. the fenestration pattern;
- b. exterior finish materials;
- c. other architectural elements;
- d. light fixtures and landscaping elements; and
- e. the roofline.

**C-3 Provide Active — Not Blank — Facades: Buildings should not have large blank walls facing the street, especially near sidewalks.**

**C-3.1. Desirable Facade Elements:** Facades which for unavoidable programmatic reasons may have few entries or windows should receive special design treatment to increase pedestrian safety, comfort, and interest. Enliven these facades by providing:

- a. small retail spaces (as small as 50 square feet) for food bars, newstands, and other specialized retail tenants;
- b. visibility into building interiors;
- c. limited lengths of blank walls;

- d. a landscaped or raised bed planted with vegetation that will grow up a vertical trellis or frame installed to obscure or screen the wall's blank surface;
- e. high quality public art in the form of a mosaic, mural, decorative masonry pattern, sculpture, relief, etc., installed over a substantial portion of the blank wall surface;
- f. small setbacks, indentations, or other architectural means of breaking up the wall surface;
- g. different textures, colors, or materials that break up the wall's surface.
- h. special lighting, a canopy, awning, horizontal trellis, or other pedestrian-oriented feature to reduce the expanse of the blank surface and add visual interest;
- i. seating ledges or perches (especially on sunny facades and near bus stops); and
- j. merchandising display windows or regularly changing public information display cases.

**C-4 Reinforce Building Entries: To promote pedestrian comfort, safety, and orientation, reinforce building entries.**

**C-4.1. Entry Treatments:** Reinforce the building's entry with one or more of the following architectural treatments:

- a. extra-height lobby space;
- b. distinctive doorways;
- c. decorative lighting;
- d. distinctive entry canopy;
- e. projected or recessed entry bay;
- f. building name and address integrated into the facade or sidewalk;
- g. artwork integrated into the facade or sidewalk;
- h. a change in paving material, texture, or color;
- i. distinctive landscaping, including plants, water features and seating; and
- j. ornamental glazing, railings, and balustrades.

**C-4.2. Residential Entries:** To make a residential building more approachable and to create a sense of association among neighbors, entries should be clearly identifiable and visible from the street and easily accessible and inviting to pedestrians. The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors. Provide convenient and attractive access to the building's entry. To ensure comfort and security, entry areas and adjacent open space should be sufficiently lighted and protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

**C-5 Encourage Overhead Weather Protection: Project applicants are encouraged to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.**

**C-5.1. Overhead Weather Protection Design Elements:** Overhead weather protection should be designed with consideration given to:

- a. the overall architectural concept of the building;
- b. uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops and intersections);
- c. minimizing gaps in coverage;
- d. a drainage strategy that keeps rain water off the street-level facade and sidewalk;
- e. continuity with weather protection provided on nearby buildings;
- f. relationship to architectural features and elements on adjacent development, especially if abutting a building of historic or noteworthy character;
- g. the scale of the space defined by the height and depth of the weather protection;

- h. use of translucent or transparent covering material to maintain a pleasant sidewalk environment with plenty of natural light; and
- i. when opaque material is used, the illumination of light-colored undersides to increase security after dark.

**C-6 Develop the Alley Façade: To increase pedestrian safety, comfort, and interest, develop portions of the alley facade in response to the unique conditions of the site or project.**

**C-6.1. Alley Activation:** Consider enlivening and enhancing the alley entrance by:

- a. extending retail space fenestration into the alley one bay;
- b. providing a niche for recycling and waste receptacles to be shared with nearby, older buildings lacking such facilities; and
- c. adding effective lighting to enhance visibility and safety.

**C-6.2. Alley Parking Access:** Enhance the facades and surfaces in and adjacent to the alley to create parking access that is visible, safe, and welcoming for drivers and pedestrians. Consider:

- d. locating the alley parking garage entry and/ or exit near the entrance to the alley;
- e. installing highly visible signage indicating parking rates and availability on the building facade adjacent to the alley; and
- f. chamfering the building corners to enhance pedestrian visibility and safety where alley is regularly used by vehicles accessing parking and loading.

**PUBLIC AMENITIES**

**D-1 Provide Inviting & Usable Open Space: Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.**

**D-1.1. Pedestrian Enhancements:** Where a commercial or mixed-use building is set back from the sidewalk, pedestrian enhancements should be considered in the resulting street frontage. Downtown the primary function of any open space between commercial buildings and the sidewalk is to provide access into the building and opportunities for outdoor activities such as vending, resting, sitting, or dining.

- a. All open space elements should enhance a pedestrian oriented, urban environment that has the appearance of stability, quality, and safety.
- b. Preferable open space locations are to the south and west of tower development, or where the siting of the open space would improve solar access to the sidewalk.
- c. Orient public open space to receive the maximum direct sunlight possible, using trees, overhangs, and umbrellas to provide shade in the warmest months. Design such spaces to take advantage of views and solar access when available from the site.
- d. The design of planters, landscaping, walls, and other street elements should allow visibility into and out of the open space.

**D-1.2. Open Space Features:** Open spaces can feature art work, street furniture, and landscaping that invite customers or enhance the building’s setting. Examples of desirable features to include are:

- a. visual and pedestrian access (including barrier-free access) into the site from the public sidewalk;
- b. walking surfaces of attractive pavers;
- c. pedestrian-scaled site lighting;
- d. retail spaces designed for uses that will comfortably “spill out” and enliven the open space;
- e. areas for vendors in commercial areas;

- f. landscaping that enhances the space and architecture;
- g. pedestrian-scaled signage that identifies uses and shops; and
- h. site furniture, art work, or amenities such as fountains, seating, and kiosks.

**D-1.3. Residential Open Space:** Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. In addition, the following should be considered:

- i. courtyards that organize architectural elements while providing a common garden;
- j. entry enhancements such as landscaping along a common pathway;
- k. decks, balconies and upper level terraces;
- l. play areas for children;
- m. individual gardens; and
- n. location of outdoor spaces to take advantage of sunlight.

**D-2 Enhance the Building with Landscaping: Enhance the building and site with generous landscaping— which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.**

**D-2.1. Landscape Enhancements:** Landscape enhancement of the site may include some of the approaches or features listed below:

- a. emphasize entries with special planting in conjunction with decorative paving and/or lighting;
- b. include a special feature such as a courtyard, fountain, or pool;
- c. incorporate a planter guard or low planter wall as part of the architecture;
- d. distinctively landscape open areas created by building modulation;
- e. soften the building by screening blank walls, terracing retaining walls, etc;
- f. increase privacy and security through screening and/or shading;
- g. provide a framework such as a trellis or arbor for plants to grow on;
- h. incorporate upper story planter boxes or roof planters;
- i. provide identity and reinforce a desired feeling of intimacy and quiet;
- j. provide brackets for hanging planters;
- k. consider how the space will be viewed from the upper floors of nearby buildings as well as from the sidewalk; and
- l. if on a designated Green Street, coordinate improvements with the local Green Street plan.

**D-2.2. Consider Nearby Landscaping:** Reinforce the desirable pattern of landscaping found on adjacent block faces.

- m. plant street trees that match the existing planting pattern or species;
- n. use similar landscape materials; and
- o. extend a low wall, use paving similar to that found nearby, or employ similar stairway construction methods.

**D-3 Provide Elements That Define the Place: Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable “sense of place” associated with the building.**

**D-3.1. Public Space Features and Amenities:** Incorporate one or more of the following appropriate:

- a. public art;
- b. street furniture, such as seating, newspaper boxes, and information kiosks;
- c. distinctive landscaping, such as specimen trees and water features;
- d. retail kiosks;
- e. public restroom facilities with directional signs in a location easily accessible to all; and



- f. public seating areas in the form of ledges, broad stairs, planters and the like, especially near public open spaces, bus stops, vending areas, on sunny facades, and other places where people are likely to want to pause or wait.

**D-3.2. Intersection Focus:** Enliven intersections by treating the corner of the building or sidewalk with public art and other elements that promote interaction (entry, tree, seating, etc.) and reinforce the distinctive character of the surrounding area.

**D-4 Provide Appropriate Signage: Design signage appropriate for the scale and character of the project and immediate neighborhood. All signs should be oriented to pedestrians and/or persons in vehicles on streets within the immediate neighborhood.**

**D-4.1. Desired Signage Elements:** Signage should be designed to:

- a. facilitate rapid orientation,
- b. add interest to the street level environment,
- c. reduce visual clutter,
- d. unify the project as a whole, and
- e. enhance the appearance and safety of the downtown area.

**D-4.2. Unified Signage System:** If the project is large, consider designing a comprehensive building and tenant signage system using one of the following or similar methods:

- a. signs clustered on kiosks near other street furniture or within sidewalk zone closest to building face;
- b. signs on blades attached to building facade; or
- c. signs hanging underneath overhead weather protection.

**D-4.3. Signage Types:** Also consider providing:

- d. building identification signage at two scales: small scale at the sidewalk level for pedestrians, and large scale at the street sign level for drivers;
- e. sculptural features or unique street furniture to complement (or in lieu of) building and tenant signage; and
- f. interpretive information about building and construction activities on the fence surrounding the construction site.

**D-4.4. Discourage Upper-Level Signage:** Signs on roofs and the upper floors of buildings intended primarily to be seen by motorists and others from a distance are generally discouraged.

**D-5 Provide Adequate Lighting: To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building facade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and on signage.**

**D-5.1. Lighting Strategies:** Consider employing one or more of the following lighting strategies as appropriate.

- a. Illuminate distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest.
- b. Install lighting in display windows that spills onto and illuminates the sidewalk.
- c. Orient outside lighting to minimize glare within the public right-of-way.

**D-6 Design for Personal Safety & Security: Design the building and site to promote the feeling of personal safety and security in the immediate area.**

**D-6.1. Safety in Design Features:** To help promote safety for the residents, workers, shoppers, and visitors who enter the area:

- a. provide adequate lighting;
- b. retain clear lines of sight into and out of entries and open spaces;
- c. use semi-transparent security screening, rather than opaque walls, where appropriate;
- d. avoid blank and windowless walls that attract graffiti and that do not permit residents or workers to observe the street;
- e. use landscaping that maintains visibility, such as short shrubs and/or trees pruned so that all branches are above head height;
- f. use ornamental grille as fencing or over ground-floor windows in some locations;
- g. avoid architectural features that provide hiding places for criminal activity;
- h. design parking areas to allow natural surveillance by maintaining clear lines of sight for those who park there, for pedestrians passing by, and for occupants of nearby buildings;
- i. install clear directional signage;
- j. encourage “eyes on the street” through the placement of windows, balconies, and street-level uses; and
- k. ensure natural surveillance of children’s play areas.

## VEHICULAR ACCESS AND PARKING

### **E-1 Minimize Curb Cut Impacts: Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.**

**E-1.1. Vehicle Access Considerations:** Where street access is deemed appropriate, one or more of the following design approaches should be considered for the safety and comfort of pedestrians.

- a. minimize the number of curb cuts and locate them away from street intersections;
- b. minimize the width of the curb cut, driveway, and garage opening;
- c. provide specialty paving where the driveway crosses the sidewalk;
- d. share the driveway with an adjacent property owner;
- e. locate the driveway to be visually less dominant;
- f. enhance the garage opening with specialty lighting, artwork, or materials having distinctive texture, pattern, or color; and
- g. provide sufficient queueing space on site.

**E-1.2. Vehicle Access Location:** Where possible, consider locating the driveway and garage entrance to take advantage of topography in a manner that does not reduce pedestrian safety nor place the pedestrian entrance in a subordinate role.

### **E-2 Integrate Parking Facilities: Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.**

**E-2.1. Parking Structures:** Minimize the visibility of at-grade parking structures or accessory parking garages. The parking portion of a structure should be architecturally compatible with the rest of the building and streetscape. Where appropriate consider incorporating one or more of the following treatments:

- a. Incorporate pedestrian-oriented uses at street level to reduce the visual impact of parking structures. A depth of only 10 feet along the front of the building is sufficient to provide space for newsstands, ticket booths, flower shops, and other viable uses.
- b. Use the site topography to help reduce the visibility of the parking facility.

- c. Set the parking facility back from the sidewalk and install dense landscaping.
- d. Incorporate any of the blank wall treatments listed in Guideline C-3.
- e. Visually integrate the parking structure with building volumes above, below, and adjacent.
- f. Incorporate artwork into the facades.
- g. Provide a frieze, cornice, canopy, overhang, trellis or other device at the top of the parking level.
- h. Use a portion of the top of the parking level as an outdoor deck, patio, or garden with a rail, bench, or other guard device around the perimeter.

**E-2.2. Parking Structure Entrances:** Design vehicular entries to parking structure so that they do not dominate the street frontage of a building. Subordinate the garage entrance to the pedestrian entrance in terms of size, prominence on the street-scape, location, and design emphasis. Consider one or more of the following design strategies:

- i. Enhance the pedestrian entry to reduce the relative importance of the garage entry.
- j. Recess the garage entry portion of the facade or extend portions of the structure over the garage entry to help conceal it.
- k. Emphasize other facade elements to reduce the visual prominence of the garage entry.
- l. Use landscaping or artwork to soften the appearance of the garage entry from the street.
- m. Locate the garage entry where the topography of the site can help conceal it.

**E-3 Minimize the Presence of Service Areas: Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.**

**E-3.1. Methods of Integrating Service Areas:** Consider incorporating one or more of the following to help minimize these impacts:

- a. Plan service areas for less visible locations on the site, such as off the alley.
- b. Screen service areas to be less visible.
- c. Use durable screening materials that complement the building.
- d. Incorporate landscaping to make the screen more effective.
- e. Locate the opening to the service area away from the sidewalk.

## **BOARD RECOMMENDATIONS**

The recommendations summarized above were based on the design review packet dated November 21, 2023, and the materials shown and verbally described by the applicant at the November 21, 2023 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with no conditions.

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **DIRECTOR’S ANALYSIS**

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describes the content of the SDCI Director’s decision 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.

The design of the proposed project was found by the Design Review Board to adequately conform to the applicable design review guidelines.

At the conclusion of the Recommendation meeting held on November 21, 2023, the Board recommended approval of the project with the recommendations described in the summary of the Recommendation meeting above.

Four members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the design review 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.F.3).

The Director agrees with the Design Review Board's conclusion that the proposed project results in a design that best meets the intent of the design review guidelines (SMC 23.41.010) and accepts the recommendations noted by the Board.

Following the Recommendation meeting, SDCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle design review guidelines. The Director is satisfied that all the recommendations imposed by the Design Review Board have been met.

#### DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure(s) with the condition at the end of this decision.

## **II. ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (RCW 43.21C), Washington Administrative Code (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. The Seattle Department of Construction and Inspections (SDCI) 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 agents; and considered any pertinent comments which may have been received regarding this proposed action. The information in the environmental checklist, the supplemental information, and the experience of the lead agency with the review of similar projects, form the basis for this analysis and decision.

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.

#### 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 impacts due to construction related vehicles, exposure of hazardous materials, 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. Short term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

#### *Air Quality – 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, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

#### *Construction Impacts – Traffic*

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website.

#### Construction Impacts – Noise

The project is expected to generate loud noise during demolition, grading, and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in Downtown Mixed Commercial zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: Construction Use in the Right of Way. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigate noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy).

#### Construction Impacts – Mud and Dust

Approximately 34,220 cubic yards of material will be excavated and removed from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and 160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed enroute to or from a site.

No further conditioning of the impacts associated with these construction impacts of the project is warranted pursuant to SMC 25.05.675.B (Construction Impacts Policy).

#### Environmental Health – Contamination

The applicant submitted the following studies regarding existing contamination on site: Phase I Environmental Site Assessment (PES Environmental, Inc., 8/24/22), Limited Phase II Investigation Report (PES Environmental, Inc., 11/8/23), Contaminated Materials Management Plan (NV5, 1/5/24), and Revised Contaminated Materials Management Plan (NV5, 3/28/24). If not properly handled, existing contamination could have an adverse impact on environmental health.

As indicated in the SEPA checklist and environmental documents on file, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Revised Contaminated Media Management Plan (NV5, 3/28/24) are followed, then it is not anticipated that the characterization, removal, treatment, transportation, or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Revised Contaminated Media Management Plan (NV5, 3/28/24) describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology (Ecology) regulatory authority.

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

The proposed strategies and compliance with Ecology's requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health pursuant to SMC 25.05.675.F (Environmental Health Policy).

#### *Environmental Health – Asbestos and Lead*

Construction activity has the potential to result in exposure to asbestos. Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation is warranted for asbestos impacts pursuant to SMC 25.05.675.F (Environmental Health Policy).

Construction activity has the potential to result in exposure to lead. Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP), and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation is warranted for lead impacts pursuant to SMC 25.05.675.F (Environmental Health Policy).

## LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of approval of this proposal. 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. Long term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

### *Air Quality – Greenhouse Gas Emissions*

Operational activities, primarily vehicular trips associated with 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, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

### *Height, Bulk, and Scale*

The proposal completed the design review process described in SMC Chapter 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: *“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 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone design review shall comply with design guidelines applicable to the project.”*

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the design review process. Pursuant to the Overview policies (SMC 25.05.665.D), the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted pursuant to SMC 25.05.675.G (Height, Bulk and Scale Policy).

### *Historic Preservation – Architectural Resources*

The existing structure(s) on site are more than 50 years old. The Department of Neighborhoods conducted a survey of Downtown Historic Resources in 2007 and determined the existing building to be a Category 4 resource. Buildings in this category have been modified to an extent that would preclude landmark nomination. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted pursuant to SMC 25.05.675.H (Historic Preservation Policy).

### *Historic Preservation – Archaeological Resources*

The project is not within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. However,



public comment from the Duwamish Tribe indicated that the subject site is located in an area of cultural significance where the probability of finding archaeological resources is high. The applicant submitted a Technical Memorandum prepared by Willamette Cultural Resources Associates, Ltd (1/30/24), which indicated that the site is underlain by previously modified fill not likely to contain archaeological resources.

Since the information showed there was low probable presence of archaeologically significant resources on site, Section A of Director's Rule 2-98 applies. Pursuant to SMC 25.05.675.H (Historic Preservation Policy) and consistent with Section A of Director's Rule 2-98, the conditions listed at the end of this decision are warranted to mitigate impacts to potential archaeological resources.

#### Light and Glare

SMC 25.05.675.K (Light and Glare Policy) provides policies to minimize or prevent hazards and other adverse impacts created by light and glare. The proposed project includes street-level lighting, lighting in the exposed stair core, and reflective building materials that have the potential to impact pedestrians, occupants of nearby buildings, and motorists travelling along Lenora Street, 9<sup>th</sup> Avenue, Virginia Street, and along adjoining streets where intersections provide sightlines to the building. The applicant provided a light and glare study (Solar Glare Study, EA Engineering, Science, and Technology, Inc., PBC, 1/23) demonstrating that reflective glare caused by the façades of the proposed building would be limited in duration and no more impactful than other transient glare experienced by motorists, building occupants, or pedestrians. The report notes that lighting employed by the completed structure would be mitigated through use of fixtures to focus light in the intended direction, reducing impacts of glare on pedestrians, motorists, and occupants of nearby buildings.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts from light and glare are presumed to be sufficient, and additional mitigation is not warranted pursuant to SMC 25.05.675.K (Light and Glare Policy).

#### Public View Protection

SMC 25.05.675.P (Public View Protection Policy) provides policies to minimize impacts to designated public views of significant natural and human-made features listed in that subsection. Westlake Avenue is a SEPA scenic route. The applicant provided view studies (Viewshed Analysis, EA Engineering, Science, and Technology, Inc., PCB, 1/23) showing the proposed development in relation to the designated public views. The proposed development is located in a manner that does not obscure views of significant natural or human-made features, including Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, or major bodies of water such as Lake Washington, Lake Union, and the Ship Canal from any public places specified as viewpoints. The site is located west of the aforementioned scenic corridor Westlake Avenue and would either be obscured by intervening development or would appear as a continuation of the development and density pattern in the neighborhood. The proposed development does not block views of any nearby historic landmarks. No mitigation is warranted pursuant to SMC 25.05.675.P (Public View Protection Policy).

#### Shadows on Open Space

SMC 25.05.675.Q (Shadows on Open Space Policy) provides policies to minimize or prevent light blockage and the creation of shadows on certain open spaces most used by the public. Areas outside of downtown to be protected include publicly owned parks, public schoolyards, private schools that allow

public use of schoolyards during non-school hours, and publicly owned street-ends in shoreline areas. Areas in downtown where shadow impacts may be mitigated are Freeway Park, Westlake Park and Plaza, Market (Steinbrueck) Park, Convention Center Park, and Kobe Terrace Park and the publicly owned portions of the International District Community Garden. Of these, Westlake Park, 0.6 miles to the south, is closest to the project site. The proposed project is located near Urban Triangle Park, and although not specifically mentioned in the City's SEPA policies as a protected open space, potential shadow impacts to this public space were analyzed. The applicant provided a shadow study (EA Engineering, Science, and Technology, Inc., PCB, 1/23) demonstrating that shadows from the proposed building would not impact this public open space.

No shadows on Freeway Park, Westlake Park and Plaza, Market (Steinbrueck) Park, Convention Center Park, or Kobe Terrace Park and the publicly owned portions of the International District Community Garden are shown. No adverse shadow impacts are anticipated on any designated public open spaces and no mitigation is warranted pursuant to SMC 25.05.675.Q (Shadows on Open Space Policy).

### Traffic and Transportation

The transportation analyses (Technical Memoranda, Heffron Transportation, Inc., 1/9/23 and 2/22/23) indicated that the project is expected to generate a total of 250 net new daily vehicle trips, 31 net new AM peak hour trips, and 32 net new PM peak hour trips.

The additional trips would have an impact on the transportation system in the vicinity of the project. To mitigate these impacts, the project will be required to mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of \$5,726 to help reduce the project's transportation impacts. This fee shall be paid prior to building permit issuance, consistent with SDCl business rules, and conditioned with this decision.

The condition to pay a pro rata contribution of \$5,726 is expected to adequately mitigate the adverse impacts from the proposed development, consistent with per SMC 25.05.675.R (Traffic and Transportation Policy).

### DECISION – 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 and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Mitigated Determination of Nonsignificance (MDNS).** This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.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 reviewing 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 DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **CONDITIONS – DESIGN REVIEW**

#### **For the Life of the Project**

1. 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.

### **CONDITIONS – SEPA**

#### **Prior to Issuance of a Master Use Permit**

2. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

#### **Prior to Issuance of a Demolition, Grading or Construction Permit**

3. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

#### **Prior to Issuance of a Construction Permit**

4. The applicant shall make a pro rata mitigation payment in the amount of \$5,726 to the City of Seattle.

#### **During Construction**

5. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
  - a. Stop work immediately and notify SDCI (Land Use Planner) and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
  - b. 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.

6. Monitoring for cultural resources shall be conducted during any ground-disturbing excavation in native soils, and at the interface of fill and native soils.

Alisa Johansson, Land Use Planner  
Seattle Department of Construction and Inspections

Date: May 6, 2024