Seattle Department of Construction & Inspections

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

Project Number: 3024760-LU

Applicant Name: Jodi Patterson-O'Hare

Address of Proposal: 820 John Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 28-story, 278-unit apartment building with retail. Parking for 246 vehicles proposed. Existing structures to be demolished.

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*
Departures are listed near the end of the Design Review Analysis in this document

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Mitigated Determination of Non-significance:

☐ No mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

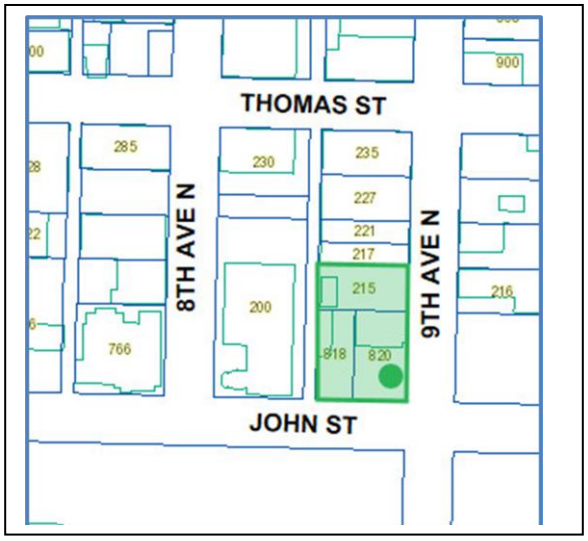
SITE AND VICINITY

Site Zone: Seattle Mixed- South Lake Union 175/85-280*

Nearby zones: North: SM-SLU 175/85-280
South: SM-SLU 240/125-440
West: SM-SLU 85-280
East: SM-SLU 175/85-280

** The proposal is vested to a prior zoning designation of* Seattle Mixed (SM-SLU 160/85-240)

Environmentally Critical Areas: No mapped ECAs.



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.

Current Development: The site is currently occupied by a two story commercial structure and surface parking lot.

Surrounding Development and Neighborhood Character: The site is located in the southwest edge of the larger South Lake Union neighborhood, referred to as the Denny Park area. Denny Park, Seattle's first and oldest park, is identified as a Heart Location in the South Lake Union Design Guidelines.

This area is characterized by office, institutional, and residential structures. Substantial new developments have been recently constructed or are under review for this immediate area. To the north is a two-story commercial building. Across 9th Ave N to the east, a 7-story residential structure is being constructed under project number 3019939-LU. Further southwest, across John St, are proposals for an 18-story office tower, 3-story commercial structure, 41-story residential tower and a 2-story commercial structure under projects 3017320-LU and 3017321-LU. An existing church lies to the west just across the north/south-running alley with new development also proposed; a new religious building and a 28-story residential tower under project number 3026579-LU.

The site has street frontage on 9th Ave N and John Street, a designated Green Street and is across from Denny Park. 9th Ave N is noted as a mixed-use street in the South Lake Union Street Concept Plans; it is also identified as a major bicycle route by the revised Seattle Bicycle Master Plan. The future proposed street section shows an 11-foot lane in each direction, with bike lanes on either side. Further east, Westlake is a vehicular and transit corridor with streetcar and transit service. A few blocks further to the north, the busy arterials of Mercer and Broad Streets provide a clear break with the rest of the South Lake Union neighborhood.

Public Comment:

The public comment period ended on June 21, 2017. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to items related to environmental health and demolition.

I. ANALYSIS – DESIGN REVIEW

FIRST EARLY DESIGN GUIDANCE April 19, 2017

The packet includes materials presented at the meeting, and is available online by entering the project number (3024760) at this website: http://web6.seattle.gov/dpd/edms/

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

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

Email: PRC@seattle.gov

EARLY DESIGN GUIDANCE April 19, 2017

PUBLIC COMMENT

No public comments were offered at this meeting or received in writing prior to the meeting.

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 citywide and neighborhood design guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design.

Any public comments submitted in writing for this project can be viewed using the following link and entering the project 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 siting and design guidance.

1. **Massing Options:** The Board discussed the strengths of the different massing options and strongly supported the substantial massing movement and stepped roofline of Option 3 which shows four distinct upper volumes fronting the Green Street. The Board directed the applicant to proceed with this preferred option. (CS2-C-1, DC2)
    a. The Board approved of the upper tower massing and the two distinct concepts for the façade character, referred to as the park-side and the urban-side. To reflect the massing shifts and façade character transitions, the Board recommended expanding the portion of the tower massing touching the ground plane along 9th. (CS2-C-1, DC2)
    b. The Board considered the future massing condition between the proposed and the planned residential tower project across the alley. In order to minimize disrupting the privacy of residents, the Board recommended responding to this condition as the design is further developed. (CS2-D)
    c. The Board agreed additional modulation or clear material articulation between the two cladding concepts along the alley facade would help differentiate and provide interest to the frontage. (CS2-C-1, CS3-I-I, DC2)

2. **Architectural Concept and Materials:** The Board appreciated the early concept for materiality, which reinforces the division and contrast of the two concepts, the park-side and the urban-side.
    a. In order to have the two cladding façade characters read as distinct concepts, the Board unanimously recommended differentiating the two sides beyond surface material treatment. The Board also indicated that two slightly different window wall or curtain wall products would not provide adequate contrast. (CS2-C-1, DC2)
    b. For the alley façade, the Board noted the opportunity to explore where the two concepts come together. When further developing the facade, the Board recommended resolving the composition with articulation similar to the east façade. The Board also encouraged incorporating a massing shift along this façade as it would reinforce the park-side concept. (CS2-C-1, CS3-I-I, DC2)

c. The Board supported the thoughtful use of materials for the street level, as conveyed in the initial street level perspective sketches, shown on pages 62-63. (CS2-C-1, DC2)

3. **Streetscape and Ground Level Uses**: The Board supported the arrangement of uses and the conceptual response to each streetscape condition and gave guidance for the design development.
   a. The Board strongly supported the development of a plaza at the corner which faces the Denny Park Heart Location. For the frontage adjacent to the corner, the Board agreed that activating the street is critical and approved of the proposed retail use at this location. (CS2-I-iv, PL3, DC1-A, DC4-D)
   b. To strengthen the character and use of the recessed main residential entry, the Board recommended flanking both sides of the entry with retail or active amenity spaces and discouraged leasing offices and fitness spaces, as they do not provide adequate street engagement. (PL2-B-3, PL3, DC1-A)
   c. Along 9th, the Board also encouraged the applicant to consider the addition of retail spaces to engage and interact with the streetscape. (CS1- C, CS2-B, PL3, DC1-A)
   d. The Board approved of the colonnade and recommended extending the colonnade along the John frontage. (CS2-C-1, CS2-I, DC2-D)

4. **Entries and Canopies**: The Board strongly supported the recessed main entry and identified the need for weather protection at this location. Related to the easement, the Board agreed the easement gate should be designed to fade into the background. (PL3-A-4, PL2-C)

5. **Landscape and Open Spaces:** The Board appreciated the unique landscape design approach and the intent to extend the Green Street planting onto private property. The Board encouraged developing the recessed entry and plaza space in conjunction with the interior spaces and recommended an intentional transition to the public sidewalk. (CS2-B, CS2-I-iv, PL1-A PL1-B, PL3-C, DC3-A-1, DC4-D)

6. **Roof Form and Related Departures**: The Board approved of the stepped roof form as it is driven by a strong design logic and leads to a more successful upper tower massing and indicated initial support for the related departures. The Board also discussed whether the roof top form should be differentiated from the rest of the massing to add a degree of interest. Ultimately, the Board agreed that well composed materiality and cladding congruent with the overall design concept is more important than differentiating the top from the bottom. (CS2-B, CS3, DC2-B)

RECOMMENDATION March 28, 2018

PUBLIC COMMENT

No public comments were offered at this meeting or received in writing prior to the meeting.

Any public comments submitted in writing for this project can be viewed using the following link and entering the project 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, the Design Review Board members provided the following siting and design guidance.

1. **Response to EDG guidance, Architectural Composition and Materiality**: The Board commended the thoughtful design evolution and the efforts to translate the elegant architectural concept into the design of the tower. The Board supported the overall design advancement and recommended changes to strengthen the façade articulation.
    a. The Board strongly supported the use of different glazing reflectance to distinguish the two cladding façade characters, referred to as the 'trunk' and 'foliage', as distinct concepts. The Board noted that the success of the design relies on the façade detailing, in particular the reflectance of glazing, window coverings, and the ability to closely match the spandrel glazing to the vision glazing to in the 'foliage' zone. The Board also supported the early intent to use grey silicon spacers to reduce the contrast and preserve the integrity of the 'foliage' character as a lighter, reflective surface. (CS2-C-1, DC2)
    b. The Board supported the gradient of banding proposed for the 'trunk' zone however the Board was concerned that the metal panel banding as currently proposed with a depth variation of 1" to 2" will not be perceivable to the pedestrian. In order to strengthen the articulation and delineation of the banding where it occurs, the Board recommended a condition to provide additional texture and ensure the changes of depth are perceivable. The Board indicated that a potential solution may be to revise the projection of the metal panel banding to be a 2" depth consistently throughout. (DC2-B-1, DC2-D-2, DC4-A-1)
    c. The Board supported the material composition and transition from stone to metal panel in the alley, where the base is intended to read as part of the 'trunk' zone. (DC2-B-1)

2. **Ground Plane and Pedestrian realm:** The Board approved of the developed streetscape design, in particular the strong residential main entry, retail spill-out spaces, and the use of landscape buffer to create a sense of place at the corner.
    a. The Board supported the overall distribution of ground level uses, in particular the change to arrange the fitness use to the upper level and to include ground level retail along the 9th Ave. For the leasing office frontage along John St, the Board encouraged the programing of that space to provide an active frontage and gathering areas, but declined to recommend a condition for this item. (CS2-B-2, PL1, PL3, DC1)
    b. The Board noted the difference of grade at the John and 9th corner and was concerned with proposed retail entries separated by grade. In order to resolve the grade transition without impeding pedestrian circulation, the Board recommended a condition to ensure the primary entrance to the retail space remains off John St, and to resolve the difference of grade internally in a way that is not to the detriment of the 9th Ave frontage. (CS2-B-2, CS2-B-3, PL3-C)

3. **Signage and Lighting:** The Board discussed the signage and lighting design and recommended conditions.
    a. The Board approved of the overall lighting concept and intent to provide subtle, dim led lighting at the tower top to reinforce the reveal pattern. In order to reduce the

potential for night light pollution and glare impacts, the Board recommended a condition to remove the up-lighting directed at the trees. (DC4-C)

b. The Board supported the lighting included at the easement gate and the overall design intent for the gate design to match the materials used elsewhere on the project. (PL3-A-4, PL2-C, DC4-C)
c. The Board supported the scale and design of the hanging signage along 9th Ave and encouraged orienting the signs perpendicular to the sidewalk to increase visibility from the pedestrian perspective, but did not recommend this change as a condition. (DC4-B)
d. The Board did not support the location and scale of the large blade sign at the corner as it overtakes the corner design and block views of the park. The Board recommended a condition to remove or revise the sign to be more in keeping with the rest of the pedestrian scaled signage as a condition. The Board also noted the proposed signage at the entry canopy could suffice as the main building signage. (DC4-B)

4. **Roof Form and Related Departures**: The Board approved of the stepped roof form as the design is driven by a strong logic and reinforces the design concept with a series of stepped volumes. The Board unanimously supported the related departures for rooftop features coverage and roof edge setbacks. (CS2-B, CS3, DC2-B)

DEVELOPMENT STANDARD DEPARTURES

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

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

1. **Rooftop Features (SMC 23.48.025.C.7):** The Code requires the combined total of all rooftop features to be limited to 65% of the roof area. The applicant proposes 72% of rooftop feature coverage.

The Board unanimously supported the departure request as the upper tower massing is sculpted to reinforce the design concept. The Board recognized that the voluntary upper setbacks are not factored into rooftop coverage and agreed the proposed design better meets design guidelines CS2-B Urban Pattern & Form, CS3 Architectural Character and Context, and DC2-B Architectural and Facade Composition.

2. **Rooftop Features (SMC 23.48.025.C.7):** The Code requires all rooftop features to be located no closer than 10' to the roof edge. The applicant proposes 28,500 cubic feet of the rooftop features within 10' of the roof edge.

The Board unanimously supported the departure to shape the tower top as the design completes the massing form, consistent with the design concept. The Board agreed the departure strengthens the composition and better meet design guidelines CS2 Urban Pattern & Form and DC2-B Architectural and Facade Composition.

DESIGN REVIEW GUIDELINES

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

CONTEXT & SITE

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

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

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

South Lake Union Supplemental Guidance:

CS1-I Responding To Site Characteristics

CS1-I-i. Sustainable Design: New development is encouraged to take advantage of site configuration to accomplish sustainability goals. The Board is generally willing to recommend departures from development standards if they are needed to achieve sustainable design. Refer to the Leadership in Energy and Environmental Design* (LEED) manual which provides additional information

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

CS2-B Adjacent Sites, Streets, and Open Spaces

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

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

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

CS2-C Relationship to the Block

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

CS2-D Height, Bulk, and Scale

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

South Lake Union Supplemental Guidance:

CS2-I Responding to Site Characteristics

CS2-I-i. Views: Encourage provision of "outlooks and overlooks" for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.

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

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

South Lake Union Supplemental Guidance:

CS3-I Height, Bulk, and Scale Compatibility

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

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

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

PUBLIC LIFE

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

PL1-A Network of Open Spaces

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

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

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

South Lake Union Supplemental Guidance:.

PL1-II Landscaping To Reinforce Design Continuity With Adjacent Sites

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

PL1-III Pedestrian Open Spaces and Entrances

PL1-III-i. Public Realm Amenity: New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as:

a. curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow;

b. pedestrian-oriented street lighting;
c. street furniture.

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

PL2-C Weather Protection

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

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

South Lake Union Supplemental Guidance:

PL2-I Streetscape Compatibility

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

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

PL3-A Entries

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

PL3-C Retail Edges

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

South Lake Union Supplemental Guidance:

PL3-II Human Activity

PL3-II-i. Public/Private Transition: Create graceful transitions at the streetscape level between the public and private uses.

PL3-II-ii. Active Facades: Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.

PL3-II-iii. Coordinate Retail/Pedestrian Activity: Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.

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

PL4-B Planning Ahead for Bicyclists

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

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

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

DESIGN CONCEPT

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

DC1-AArrangement of Interior Uses

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

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

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

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

DC2-BArchitectural and Facade Composition

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

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

DC2-DScale and Texture

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

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

DC3-CDesign

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

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

South Lake Union Supplemental Guidance:

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

DC3-II-i. Integrated Artwork: Consider integrating artwork into publicly accessible areas of a building and landscape that evokes a sense of place related to the previous uses of the area. Neighborhood themes may include service industries such as laundries, auto row, floral businesses, photography district, arts district, maritime, etc.

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

DC4-AExterior Elements and Finishes

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

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

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

RECOMMENDATION

At the conclusion of the RECOMMENDATION meeting, the Board unanimously recommended approval of the project with conditions.

The recommendation summarized above was based on the design review packet dated Wednesday, March 28, 2018, and the materials shown and verbally described by the applicant at the Wednesday, March 28, 2018 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. For the 'trunk' zone strengthen the articulation and texture of the metal panel banding where it occurs; ensure the changes of depth are perceivable to the pedestrian. (DC2-B-1, DC2-D-2, DC4-A)
2. Resolve the grade transition at the John and 9th corner without impeding the pedestrian circulation. Ensure the primary entrance to the retail space remains off John St and resolve the difference of grade internally in a way that is not the detriment to the 9th Ave frontage. (CS2-B-2, CS2-B-3, PL3-C)
3. Remove the up-lighting directed at the trees to reduce the potential for night light pollution and glare impacts. (DC4-C)
4. Remove or revise the large blade sign at the corner to be more in keeping with the rest of the pedestrian scaled signage. (DC4-B)

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the SDCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on March 28, 2018, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

Four members of the West Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines 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.

Applicant response to Recommended Design Review Conditions:

1. The applicant responded with the correction response submitted on 5/24/18, noting, "The horizontal metal panel banding, where it occurs in the 'trunk' zone, has been strengthened by projecting the horizontal mullions above and below this banding by 3", creating a perceivable shadow line at the top and bottom of the panel as shown in the attached rendering. [In addition,] In order to strengthen the horizontal theme of the trunk (thereby differentiating it from the vertical bays of the 'foliage' zone), the trunk's vertical mullion caps are now eliminated, leaving only the horizontal caps and the flush vertical sealant joints. This will make the horizontal metal panel banding more legible, as they will not be embedded in a field of vertical caps. [Lastly,] In

order to further differentiate the lighter foliage zone from the darker trunk zone, a light gray silicone sealant will be used at all of the glazing joints in the foliage zone, while the usual black silicone sealant will be used at all of the joints in the trunk zone. The light gray sealant will make a pronounced effect on the façade color of the foliage zone curtain wall since there are no mullion caps, leaving the sealant joints exposed. This sealant color issue was discussed at the recommendation meeting, although it was not a conditional requirement." The response satisfies the recommended condition for the MUP decision.

2. The applicant responded with the correction response submitted on 5/24/18, noting, "Although a specific retail tenant has not been selected for the corner retail space, the design team is proposing a retail plan with interior levels indicated. The space inside/behind the John Street façade is at the level of the John Street entry door for a minimum depth of 15', ensuring that the space behind the John Street glass relates to John Street. The space inside/behind the 9th Avenue frontage is at the level of the 9th street entries, for a minimum depth of 15', ensuring that the space behind the 9th Avenue glass relates to 9th Avenue Internal stairs and/or ramps connecting the interior levels would be pulled into the interior of the retail space, away from the glass." The response satisfies the recommended condition for the MUP decision."
3. The applicant responded with the correction response submitted on 5/24/18, noting, "the up-lighting has been removed, see sheet E3.01." The response satisfies the recommended condition for the MUP decision.
4. The applicant responded with the corner signage correction response submitted on 5/09/19, which reduced the signage size to be compliment the pedestrian scale at the street. The response satisfies the recommended condition for the MUP decision.

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 departures with the conditions 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 (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 5/23/2017. 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 any pertinent comments which may have been received regarding this proposed action have been considered. The information in the 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 D) 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 and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, and environmental health, as well as mitigation.

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.

Construction Impacts - Parking and 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.

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

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 and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: Construction Use in the Right of Way.

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 Seattle Mixed 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 mitigation noise impacts per SMC 25.05.675.B.

Environmental Health

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 under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

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 under SEPA Policies 25.05.675.F is warranted for lead impacts.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, parking, and traffic warrant further analysis.

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.

Historic Resources

The existing structures on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status after required for historic nomination by Department of Neighborhoods (LPB 580/17). The Department of Neighborhoods and Landmarks Preservation Board reviewed and then denied the nomination for historic landmark status per SMC 25.12 (Landmarks Preservation Board letter, reference number LPB 109/18). 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 per SMC 25.05.675.H.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 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 in 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 under SMC 25.05.675.G.

Parking

The proposed development includes 278 residential units with 246 off-street vehicular parking spaces. The traffic and parking analysis (Transportation Engineering Northwest, Traffic Analysis, updated 3/19/18) indicates a peak demand for approximately 139 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Transportation

The Traffic Impact Analysis (Transportation Engineering Northwest, Traffic Analysis, August 2017) indicated that the project is expected to generate 68 net new PM peak hour trips and 52 AM peak hour trips.

The additional trips would have an impact on the transportation system in the vicinity of the project. In order 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 $269,220.00 in order to help reduce the project's transportation impacts. This fee shall be paid prior to building permit issuance, consistent with SDCI business rules, and conditioned with this decision.

The condition to pay a pro rata contribution of $269,220.00 is expected to adequately mitigate the adverse impacts from the proposed development, consistent with per SMC 25.05.675.R.

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 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

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

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

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 (Crystal Torres, 206-684-5887, crystal.torres@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. 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 at: Construction Use in the Right of Way

Prior to Issuance of a Construction Permit

3. The applicant shall make a pro rata mitigation payment in the amount of $269,220.00 to the City of Seattle.

Crystal Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: October 7, 2019

CT:rgc
3024760-LU Decision.docx

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 SDCI 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.