



Seattle Department of
Construction & Inspections

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

Project Number: 3031100-LU
Applicant Name: Scot Carr - Public 47
Address of Proposal: 3150 Fairview Ave E

SUMMARY OF PROPOSAL

Land Use Application to allow a 5-story, 103-unit apartment building. Parking for 37 vehicles proposed. A 1-story portion of an existing building to be demolished and 2-story portion to remain for offices. Early Design Guidance conducted under #3032059-EG.

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

Shoreline Variance – to exceed the maximum height allowed in the Urban Commercial (UC) Shoreline Environment. (SMC 23.60A.036)

Shoreline Substantial Development (Seattle Municipal Code 23.60A) To allow development in the Urban Commercial (UC) Shoreline Environment.

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

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

BACKGROUND

Per SMC 25.09, the City requires an Environmentally Critical Areas (ECAs) review for this project. Based on a review of the submitted information and the City GIS system, it was concluded that steep slope areas at and adjacent to the site meet criteria established in the Critical Areas Regulations, SMC 25.09.180.B2b.

Specifically, the GIS system and submitted original and additional information for the steep slope developmental allowance application demonstrated that steep slopes at and adjacent to the site appeared to have been created by previous legal grading activities associated with site development and street improvements. For this reason, the City waived the required ECA Steep Slope Variance associated with SDCI Application No. 6570996. The City conditions this approval upon a subsequent building permit application for a design that demonstrates that the proposed development will be completely stabilized in accordance with recommendations presented in the geotechnical engineering report and provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development.

SITE AND VICINITY

Site Zone: Neighborhood Commercial 2 Maximum Height
Limit 55' (M) [NC2-55 (M)]*

** Proposal is vested to previous zoning designation Commercial 1 (C1-40)*

Zoning Pattern:

- North: NC2-55 (M)/ Neighborhood Commercial Pedestrian Overlay [NC2P-55 (M)]
- South: NC2-55 (M)/NC3-55(M)
- East: NC3P-55 (M)/NC2P-55 (M)
- West: Commercial 2-40 (C2-40)



Total Project Area: 24,931 Square Feet (Sq. Ft.)

Overlay District: Shoreline Environment – Urban Commercial

Environmentally Critical Area (ECA): Steep Slope Liquefaction Prone Area

PUBLIC COMMENT:

The public comment period ended on March 29, 2019. In addition to the comment(s) 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. Some of these comments were in support of the projects while others questioned the appropriateness of the variance request, potential impact to trees which have been determined to be located within the right of way or not exceptional, and concerns related to parking.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

The proposal site is located within the Eastlake neighborhood within the Eastlake Residential Urban Village Overlay. The site sits on the east side of Fairview Ave E., just north of E. Allison

St., and south of a three-leg oblique intersection with Fairview Ave. E., E. Martin St., and Harvard Ave E. It is currently occupied by a single-story office building connected on its south side by a two-story light manufacturing structure, both of masonry construction originally built in 1964.

The proposal site is located near the shoreline along the eastern portion of Lake Union and is characterized as an upland lot within an Urban Commercial Shoreline district. The site is also located on the east side of Fairview Ave E., southeast of Good Turn Park and just west of the Interstate 5 (I-5) overpass. Fairview Ave. separates the waterfront lots from the upland lots along this stretch of the road. Historically the surrounding area was known for its dry docks, marinas, machine shops, and old squatter houseboats. In more recent years the area is known as popular recreation area with several rowing and yacht clubs and marinas along the water's edge in addition to several floating homes.

Located to the west of the proposal site, on the west side of Fairview Ave. E., between E. Martin St. right-of-way and E. Allison St. are a small number of single and multi-story commercial buildings and a smaller number of single-story single-family residences. Located to the south of the site, at the corner Fairview Ave. E. and E. Allison St. is a five-story, 30-unit condominium complex built which was built in 1991. Situated along the rear project site, east of the alley at a much higher elevation, are a small number of mixed-use structures of varying heights accessed from Eastlake Ave E., with views to Lake Union.

FIRST EARLY DESIGN GUIDANCE September 12, 2018

The packet includes materials presented at the meeting, and is available online by entering the record number (3032059-EG) at the following website:
<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

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

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

Email: PRC@seattle.gov

PUBLIC COMMENT

At the EDG meeting, the following comments were provided:

- Questioned why the applicant did not try to preserve any of the trees on site and in the E. Martin St. right-of-way.
- Stated that the design team should have provided a viable alternative that featured two or more buildings that could provide views corridors, adding light and air.
- Suggested that the design packet has only provided one viable alternative that is extremely massive.
- Suggested that the project will set architectural precedent along the furthest northern reaches of Fairview Ave. E.

- Applauded the applicant for providing parking in a frequent transit area which does not required off street parking.
- Supported the new stairway within the E. Martin St. right-of-way. Encouraged the applicant to provide a barrier free route.
- Suggested that the depth of the units on the upper floors of Alternatives 1 and 2 are extremely insufficient which basically gives the appearance of a very large wall.
- Asked if the existing two-story building will remain at its current height or will it be increased in height later.
- Concerned that the stair tower height may obstruct neighboring views.
- Criticized the project for not having additional guest parking.
- Stated that views to the lake will be obstructed.
- Suggested that the requested shoreline variance will be legally challenged.
- Believed that the proposed massing will be an existential threat to the way of life and values of the people in the neighborhood.
- Suggested that neighboring building which has a high degree of historical significance will be extremely impacted in terms of views to the lake.
- Suggested that the alley is not suitable for automobile access to the site.
- Stated that the loss of the significant tree (magnolia) should have mitigation significant enough to mitigate its loss.
- Stated that all three design alternatives are challenging to the adjacent neighbors and the first two seem unrealistic.

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. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review. Concerns with building height calculations and bicycle storage standards are addressed under the City's zoning code and are not part of this review.

Any public comments submitted in writing for this project will be viewed using the following link and entering the project number: [Permit and Property Records](#).

PRIORITIES & STAFF 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 massing options and concluded that additional massing studies are required. The Board acknowledged that the work so far is a good foundation that needs further exploration. The Board listed benefits and challenges of each of the massing options, to help inform the development of the additional massing options: (CS2-D, DC2-A)
 - a. The Board questioned whether Alternatives 1 and 2 were actual viable alternatives as the upper living units appear to be extremely small or oddly configured.

- b. Alternatives 1 and 2 have solid wall massing heights with very narrow upper stories that climb to a height of up to 70 feet.
- c. In agreement with the public comment, the Board was concerned about the tree in Alternative 2 being unnecessarily encumbered and doomed to failure.
- d. The Board appreciated the architectural exercise that the design team went through in developing Alternatives 1 and 2 given the constraints of the site, and how the exercise informed one real alternative based on lowering the building height.
- e. The Board was concerned that the preferred option requires a Shoreline variance, which is outside the Board's purview.
- f. The Board supported the design approach of Alternative 2 with two massing elements, which helps to break down the scale of the building on a very long site.
- g. The preferred alternative would feature a long walkway with a long expanse of residential units without the benefit of commercial space, coffee shops, or gathering spaces, and a missed opportunity for contributing elements for any possible future green street.
- h. The notch in Alternative 2 helps to break up the mass and make the structure fit in better with the scale of the rest of the neighborhood.
- i. The granularity of the surrounding neighborhood should inform the massing. Explore the juxta positioning of different forms, sizes, and scales of building masses. This could be used to further develop massing Alternative 2.
- j. Additional massing alternatives could also use Alternative three as a starting point.
- k. The Board appreciated the retention of the building, but it should be better integrated into the overall project.

The Board directed the design team to develop alternative massing options that would be possible without a shoreline variance approval. The Board stated that they would like to see an alternative(s) in response to the context and Design Guidelines:

- a. They requested to see more variety in the terracing that responds to context of other buildings Eastlake, which should inform massing of the project. (CS2-D, DC2-A)
- b. Develop at one viable massing alternative that features a broken massing approach instead the one continuous building façade. (CS2-D, DC2-A)
- c. Design the proposal with a more cohesive architectural concept. (CS2-A-2, DC2-A-2, DC2-C-3)
- d. Include at least one massing option that provides enough area for the exceptional tree to continue to thrive. (CS1-D, CS2-B-3)
- e. The Board requested additional illustrations and perspectives on the building, featuring views of the proposal site from across the lake, (looking toward the building), from above as might be seen from Eastlake Ave E and other important views such as the stairway. (DC2-C-3, DC2-D, DC3-A)
- f. Design the massing options with a more innovative design solution to the site constraints. Possible options include a terracing or shifting approach that is more "avant-garde," possibly like some of the precedent images or past works in the EDG packet. This approach could possibly support different departures. (DC2-C-3, DC2-D, DC3-A)
- g. The Board also suggested that a terracing approach from the second or third floor upward and back could fit in better with the context of the existing site constraints, resulting in a more whimsical and inspirational approach to the massing. (CS1-C-1, CS1-C-2, CS2-A-1, CS2-D-2, CS2-D-5, DC1-A-2, DC2-A-2, DC2-C-3)

2. Materiality: The Board supported the design team's choice of materials and over parti which includes brick, real wood, interesting textures, inset balconies, and other elements found in the surrounding neighborhood. The Board verbalized that the venting should be carefully integrated with the exterior of the building façade. The Board acknowledged the public comment about the stair tower over run and vents and recommended shifting these rooftop masses to the north so that it is more sensitive to adjacent views. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)
 - a. The Board recommended shifting the southernmost stair tower to the north so that it is more sensitive to adjacent views. If it's not possible to move the stair tower and rooftop masses to the north, explain why it is infeasible. (PL3-A-4)

3. Streetscape: The Board discussed the streetscape along Fairview Ave E., and stated that residential stoops help to activate a streetscape. The Board suggested that the depth of the proposed stoops was a positive but questioned the parallel orientation of the stair to the street, which seems to be potentially less engaging to the street than a perpendicular orientation. The Board also discussed briefly concerns with other amenities such as bike parking and storage and trash room location.
 - a. The Board requested a study of both parallel and perpendicular stoop orientations and a clear distinction as to why one orientation is superior to the other, in terms of reinforcing the architectural concept and activation of the street. (PL2-B-1, PL2-B-3, PL3-B-1, PL3-B-2)
 - b. The Board requested more information about the location of the trash, where it will be stored, how it will be staged, and where it will be picked up. (DC1-C)
 - c. The Board requested additional information pertaining to the proposed amount of bicycle storage and recommended more than the Code required minimum at this location. The design should also incorporate storage area for small boats, stand up paddle boards, or other recreational equipment to support the active engagement to the street. (PL4-B, DC1-C)

4. Fairview and Alley Access:
 - a. The Board was concerned about the applicant stating that SDOT supported garage access from the street and noted the SDOT memo did not specifically support street access at this time. (*staff note: vehicular access location is required by the Land Use Code and is subject to approval by the SDCI Director*)
 - b. The Board suggested that the success of the pedestrian pathway would be predicated on the introduction of the stairway leading between Eastlake Ave. E and Fairview Ave E. This stair would place more focus on the rear of the building rather than the front, but the Board supported the concept of the pedestrian way and the pedestrian oriented design at the rear of the building. The Board suggested that the pedestrian pathway would act as a quiet park like pedestrian route. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - c. The Board commended the design in knitting the urban fabric together with their design of the stairway and pedestrian walkway but wanted the design team to further home in on how the details of these spaces and the transition to the residential units at grade. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - d. The Board potentially supported idea of parking access off Fairview Ave. E. contingent upon the design and activation of the pedestrian alley, minimizing the appearance of the vehicle entry with an eye to texture, detail, and transparency. The

- vehicle access should not be a large blank wall with little visual interest. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
- e. The Board also suggested that they would be receptive of seeing the streetscape designed more as woonerf with elements designed to support pedestrian and bicycle activity. The Board recognizing that this would be out of their purview gave no further details as to what they would like to see. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - f. The Board directed the design team to provide additional details demonstrating how the pedestrian walkway and stairs will function. The Board also agreed with the public comment that the route should be designed as a barrier free route if possible. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - g. The Board also noted that the applicant could seek further input from SDOT, which can be considered by the Board as they review the departure request. (CS2-B-2, PL2, PL3-B-4, PL4)
5. Commercial Use: The Board questioned the decision to place the commercial space in one location, as opposed to spreading it out in multiple locations to encourage transparency and eyes on the street. The Board stated that if the commercial space is retained in its current location, it might become a unique use that engages more with the lake. They acknowledged concerns about the long-term viability of any commercial space in that location, as it appeared there were limited other pedestrian oriented commercial opportunities along this stretch of the street. (PL3-A, PL3-C, DC1-A-3)
6. Storm Water Issues: The Board verbalized concerned about recent storm water issues and asked the design team to demonstrate how they have addressed these concerns. The Board suggested that this location would benefit from green stormwater infrastructure.
- a. The Board requested that the design team provide reference or integration of green street work that has been done for this area to date. (CS1-E-1, CS1-E-2, DC3-C-2)
7. Departure: The Board agreed in principle with all three requested departures. However, the Board requested additional information in support of the design rationale.
- a. Provide additional view studies and design details in support of parking access of Fairview Ave. E., the pedestrian path within the alley right-of-way, and the reduction of in the floor level for a residential use located along a street-level street-facing façade per the following detailed description below. (CS2-B-2, PL2-B-1, PL2-B-3, DC2-B-1, DC2-B-2, DC2-D-2, DC3-C-2DC4-A-1)

SECOND EARLY DESIGN GUIDANCE NOVEMBER 28, 2018

The design packet includes information presented at the meeting, and is available online by entering the record number (3032059-EG) at this website:

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

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

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Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Stated that based on experience the Shoreline Variance is unlikely to be achieved.
- Appreciated how the applicant has met and discussed some of the neighbors' concerns.
- Not convinced that the neighbor's concerns have been fully addressed.
- Suggested that the neighboring "Whaac All All" building located above the proposal, has both cultural and historical significance for the whole city due to its unique native history and cultural iconography along the exterior of the building.
- Suggested that the Ship Canal Bridge is a large generator of noise affecting surrounding properties, which will have a greater impact as a result of noise bouncing between the bridge and the building mass created by the proposed project.
- Suggested that the narrow channel view will be ineffective to the lower floors of the "Whaac All All" as the view impacts will remain.
- Suggested the proposed building should provide an appropriate zone transition by creating massing that is stepped away from neighboring properties.
- Observed that the proposed community room and stair tower despite moving further south still occupies the southern portion of the building continuing to create a view obstruction.
- Suggested that the proposed structure should be designed as a stepped mass toward the far north end of the building so that the properties located to east are less impacted.
- Stated that the garage structure could be thought of as a plinth with smaller individual residential towers located on top.
- Suggested that the design proposal should create gaps between residential towers sitting on a one-story parking garage designed as a plinth, which could have less of an impact to structures on the uphill side.
- Verbalized that creating gaps between the buildings would allow opportunities for landscape and pedestrian connections to alley which would be more in keeping with many of the existing buildings especially along the lakeshore.
- Observed that many of the businesses located in the area are smaller buildings with a strong east-west orientation, with distinct roof forms and building materials.
- Supported the modulation of the building's west façade, some of the building's indentations and the interesting color combinations but suggested that more should be done to break up the monolithic form of the building.
- Suggested that the stair and elevator towers, machinery spaces, heat pumps, parapets and safety rails, look differently than when presented and end up being much taller than presented. Suggested that the Board hold the development height to a specific number which would give neighbors a greater sense of comfort.

- Requested that the stoops be designed as individualized private spaces with access to water for watering plants as communal stoops do not work.
- Disappointed that the project does not provide upstairs and downstairs units within the structure as it makes it child compatible housing which the City desperately needs.
- Suggested that a portion of the roof should be designed as a wedge shape to combat the effects of noise reverberating between buildings.
- Verbalized disappointment by all the design alternatives because they are not responsive to the comments that the Board provided.
- Suggested that the project is a huge monolithic building when the design team should have at least developed one alternative that showed separate buildings.
- Suggested that the one of the alternatives might have been a series of 4-plexes or other design approach which provide yards.
- Disappointed that most of the alternatives do not try to preserve the existing Magnolia or other trees in the area.
- Suggested that this design and the City should do a better job respecting the “Whaac All All” building as a historical landmark.
- Suggested that the Board should send this project back for another EDG meeting for development of serious alternatives which the applicant still has not provided.
- Asked what will happen if the shoreline variance request is not approved.
- Suggested that the design is interesting as it has several breaks, interesting colors and interesting rooftop deck edifice that is probably nice to look at and just concrete square blocks.

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. Concerns with off-street parking, traffic, noise and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review. SDCI, nor the Design Review Boards, have the authority to protect views from private property.

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 siting and design guidance.

1. Massing:

- a. In respond to EDG 1 the Board stated that the design scheme has made significant progress in accommodating the Board’s feedback. (CS2-D, DC2-A)
- b. The project now uses a much more sophisticated set of moves to create a clearer hierarchy of design elements, with portions of the building being recessed while other portions are flush with the street. (CS2-A-2, DC2-A-2, DC2-C-3)
- c. The Board supported the proportionality of the second story of the building which references the height of the commercial building to the south yet remains slim and somewhat elegant but a nice counterpoint to the design elements on the upper floor.

The Board also asked if the existing building's second floor datum line could be used to better integrated with the second floor of the proposed building as the current configuration gives the impression that the appears to the two lines are skewed. (CS2-A-2, DC2-A-2, DC2-C-3)

- d. The Board noted that proportions of the second floor could be further emphasized with an added setback or reveal along the north facing façade creating a more prominent for floating feature that is prouder of the rest of the facade. (DC2-B, DC2-C)
- e. The Board supported the direction of the modulation and felt that forms were clean and simple. (PL3-B-2)
- f. The Board questioned the concept of leaving a tunnel as a view corridor at the south end of the roof, (as a means of providing relief to the upland properties in term of view impact) and suggested that it could be completely removed in favor or adding height to the opposite side of the roof structure similar to comments made by the general public. (DC1-A-4)
- g. The Board stated that the rooftop amenity area with the view corridor and amenity space seems unresolved as an integrated concept. (DC1-A-4)
- h. While the Board supported the concept of stacking blocks in the current preferred design scheme, they also felt that the project could be terraced upward to the north without destroying the concept of the stacked modulated squares like comments made by the general public. (CS2-D, DC2-A)
- i. The Board did acknowledge however that the shoreline variance is factor in whether any additional height can be gained in the shoreline which could affect a terracing design move. (CS2-D-1)
- j. The Board expressed a willingness to move the project forward to the next round of reviews providing that a revised version of the preferred option featuring the stepped stacked box concept located on the north side of the building is explored which the public also supported. The Board clearly verbalized that they wanted to see how this design approach would not work if it was determined to be infeasible or conceptually undesirable. (CS1-C-1, CS1-C-2, CS2-A-1, CS2-D-2, CS2-D-5, DC1-A-2, DC2-A-2, DC2- C-3)

2. Alternatives:

- a. The Board acknowledged that the project would need to come back in front of the Board if the Shoreline Variance was not approved.
- b. While not a viable alternative, the Board appreciated the design team's efforts in researching a massing option that could preserve the Exceptional Magnolia tree. The Board also appreciated that the team spoke with Big Trees on the possibility of transplanting the tree which turned out not to be a viable solution. The Board further discussed the need to replace tree canopy and suggested that the applicant should err on the side of caution and provide the maximum number of trees rather than the minimum as well as the maximum soil volume. (PL3-A-2, DC4-D)

3. Storm Water Features:

- a. Per Board guidance, the project proposal has now been designed to include green storm water infrastructure which offers both a prominent storm water features as well as a visual bioretention features designed to treat both on-site stormwater and to filter and clean approximately one acre of Interstate 5 bridge runoff to a Salmon Safe water standard, which the Board wholeheartedly supported. (CS1-E-1, CS1-E-2, DC3-C-2)

- b. The Board asked if there could be more integration of the two stormwater features that flank the hill-climb stairs with the stairs and trees as an integrated design element. The Board also welcomed more ideas to create public engagement with the bioretention features. (CS1-E-1, CS1-E-2, DC3-C-2)
 - c. The Board requested that for the next Recommendation phase, they would like to see where the water is being generated from, where it's flowing to, how it's coming of the buildings as well as other detailed factors. (CS1-E-1, CS1-E-2, DC3-C-2)
4. Streetscape and Landscape Design:
- a. The Board supported the proposed hill-climb stair to the north of the building, along the unimproved E Martin St right-of-way as a public connector from Eastlake down to Good Turn Park. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - b. The Board also supported how the stairs provide access to the alley pedestrian path and the new plaza at the proposed building entrance at the bottom of the stair. (PL2- B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
 - c. The Board supported the integration of bioretention planters with the hill-climb stairs and the new replacement magnolia tree as a means of knitting back together the urban fabric and streetscape with pedestrian access points. (CS1-E-1, CS1-E-2)
 - d. The Board asked the design team to further investigate and provide details of infiltration opportunities into the tree wells along Fairview Avenue E. (CS1-E-1, CS1- E-2, DC3-C-2)
 - e. The Board liked the re-oriented front stoops along Fairview as creating a very positive pedestrian experience and each is destined to create its own unique character as life fills in. (PL2-B-1, PL2-B-3, PL3-B-1, PL3-B-2)
5. Bicycle and Kayak Storage:
- a. The Board supported increased bike parking capacity including the additional bike parking provided at the alley level which now in total exceeds the code minimum of 87 spaces in addition to the new kayak storage for use by residents. (PL4-B, DC1-C)
6. Trash:
- a. For the recommendation phase, the Board asked for a better understanding of how the trash will be picked up and staged. They suggested that it appears that the trash room seems to be close enough to the street to be picked up from the street by waste management and not staged on the Green Street while asking for additional details. (DC1-C)
7. Alley Access:
- a. While the Board suggested that the pedestrian pathway along the alley right-of-way would act as a quiet park like pedestrian route, they requested additional detailed illustrations for the condition of the walkway and the building façade as seen from a pedestrian experience as the walkway feels narrows and a bit oppressive. The Board suggested that a wider well-lit path should be introduced as a means of enhancing the pedestrian experience. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)
8. Materiality:
- a. The Board noted the use of high-quality metal, real wood, and concrete as the preferred material finishes. The Board approved of several of the precedent images gathered from around the neighborhood that had interesting textures and demonstrated their applicability. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)

RECOMMENDATION OCTOBER 30, 2019

The design packet includes information presented at the meeting, and is available online by entering the record number (3031100-LU) at this website:

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

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Email: PRC@seattle.gov

At the Recommendation meeting the following public comments were provided:

- Stated that the project considers ‘quality of life’ issues by taking and treating runoff from I-5 which is unprecedented.
- Supported the public stairway as a means of increasing mobility and accessibility.
- Supported the project as a catalyst for cleaning up an otherwise overgrown site through both the building design and site improvements.
- Supported the carved-out roof element design to reduce impacts to views to the lake by upland residents.
- Suggested that because the shoreline variance request has not yet been determined, a completely different project design would need to come back to the Board for review.
- Supported the provision of the green roof space.
- Verbalized a hope to cooperate with the design team on the pedestrian connection from the end of the alley to the stairway and up to the parking lot that fronts Eastlake Ave E, near an important transit connection.
- Suggested that the developer is replacing an ‘ugly’ building with a very stylish project with improved sidewalks and landscaping elements.
- Stated that it is admirable for the developer to address the water pollution concerns in the area.
- Supported the decision to keep the building at a maximum 40-foot height limit rather than the 55-foot height limit allowed by the recent MHA up zoning legislation.
- Stated that there is nothing admirable about the project or how the Board has addressed it.
- Suggested that the Recommendation meeting is pre-mature considering the shoreline variance has not been addressed.
- Suggested that the Board should have requested the design team develop a serious alternative that did not require a shoreline variance.
- Suggested the Board should have insisted on an ADA right-of-way improvement along the Martin Street right-of-way which is a huge missed opportunity.
- Objected to what is perceived as an effort to bail out WSDOT from their responsibility of treating I-5 runoff by incorporating storm water treatment and bio retention design elements into the project design. Stated there are other very important public interest issues the applicant nor the Board had addressed, notably the ADA access issue.

- Suggested that the site contains several important trees which the Board did not insist that the design team develop a good methodology for preserving, notably the Magnolia tree and others.
- Suggested that the Recommendation meeting should not even be held until action has been taken on the shoreline variance request.
- Suggested that despite design techniques of pushing and pulling the building façade or the use of specific color, the project is still a five story building that runs 245 feet along Fairview Ave which is two-thirds the length of the a football field and out-scales all other structures currently along Fairview Ave.
- Suggested that the building should stair step upward to west as discussed by the Board at the previous two other EDG meetings.
- Suggested that the design team has gone through great lengths to not scale up the building to the allowable 55-foot height limit and has carved out a portion of the rooftop to in order to help preserve views to the lake for upland neighbors.

SDOT provided the following comments in writing prior to the recommendation meeting:

- SDOT supports the applicant's request to provide access for vehicular parking from Fairview Ave E., recognizing the final determination is for the SDCI Director to make.

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. Other concerns such as off-street parking, traffic, noise, and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review. SDCI, nor the Design Review Boards, have the authority to protect views from private property.

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 siting and design guidance.

1. Height, Bulk, Scale

- a. The Board applauded the design team's concerted effort in breaking down the scale of the proposed building. The Board recommended that the design does a good job of mitigating the perception that the building has an extreme amount of length and responding to public comments that the building is too long. (CS2-A-2, DC2-A-2, DC2- C-3)
- b. The Board agreed the design team has done a good job creating visual movement to make the building feel active and playful, coupled with their material palette, despite the constraints presented by the overhead utility lines and being located within a Shoreline district. (DC2-C-3, DC2-D, DC3-A)

- c. The Board recommended approval of the use of the front stoop elements to help in creating modulation and other efforts to recess other portions of the façade, which also helps to break down the scale of the building. (PL2-B-1, PL2-B-3, PL3-B-1, PL3-B- 2)
- d. The Board verbalized disappointment in seeing the upper story cantilevered element along the street face at the building's northwest corner disappear, but gave no further comment, acknowledging the realities of creating physical structure from conceptual designs. The Board recommended that the building modulation had consistency and good proportionality. (CS1-C-1, CS1-C-2, CS2-A-1, CS2-D-2, CS2-D-5, DC1-A-2, DC2-A-2, DC2-C-3)
- e. Th Board commented that they would have liked to have seen a greater effort in developing an option with greater stacking to the north. However, the Board suggested that the design team made a conscious effort to reduce view impacts to upland properties by maintaining the 40-foot height limit rather than the allowable 55-foot height limit. The Board recommended approval of the design as shown. (PL2-B-3, PL3-A-2, PL3-B, PL4 CS2-B-2, DC2-B-1, DC2-B-2, DC4-A-1)

2. Architectural Character:

- a. The Board specifically approved of the chosen method for the ventilation details and agreed that the execution of these details will set a new precedent. (PL3-B-2, DC2-B-1, DC2-D-2)
- b. While the Board supported the overall approach to the architectural character of the building, they also said that they would like to see more differentiation between the first and second levels. They continued by suggesting that the building seems visually heavy from a street level perspective. The Board discussed further exploration of the first two levels in terms of the secondary elements and materiality but did not recommend this a condition of approval. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)
- c. The Board recommended approval of the look and variety of balconies as well as the proposed lowered height of the stoops, which they agreed would encourage more community interaction, related directly to the second departure request. (PL2-B-1, PL2-B-3, PL3-B-1, PL3-B-2, DC2-C)
- d. The Board was concerned with the height of the railings located along the east facing alley walkway. The Board supported changing the design of the railing to present less of a walled off feeling but made no recommendation for changes if the rail meets building code standards. (PL2-B-1, PL2-B-3, PL3-B-1, PL3-B-2)

3. Materials:

- a. The Board was unclear on details of how the corrugated metal meets the flat metal panels and logic behind how the materials relate on the eastern building facade. The Board suggested that the composition on the eastern was not as rigorous as the composition on the Fairview side of the building but gave no specific recommendations for changes. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)
- b. The Board appreciated the use of the metal panel for its durability and longevity and stated that it provides added visual character to the building as well. The Board recommended that the project use the materials as illustrated in the Recommendation packet as a final condition of approval. (DC2-B-1, DC2-D-2, DC4-A- 1, DC4-D-2)

4. Access:

- a. The Board voiced concerned with the placement of the smaller long-term bicycle

parking located on the second level, accessed through two sets of doors and then up the interior stairs or down the exterior stairway. The Board eventually agreed that the bike rooms could be accessed via a two-sided elevator, acknowledged the presence of a larger bike parking room on the main level, and did not recommend conditions to change this aspect of the design. (PL4-B-2, PL4-B-3)

- b. The Board would support making the location of the paddle board/small watercraft storage more visible or possibly locating this use within the lobby space itself, as the concept relates so well to the waterfront and waterfront access. The Board did not make this a recommended condition of approval. (PL4-B, DC1-C)
- c. The Board recommended a condition that design team add texture along the ground plane as a way increasing pedestrian awareness at the garage entry and install a visual warning device to mitigate the possibility of conflicts between pedestrian and automobile movement. This condition also relates to the departure request for reduced driveway width. (CS2-B-2, PL2-B-3, DC2-B-1, DC2-B-2, DC2-D-2, DC4-A-1)

5. Bioretention:

- a. The Board stated that the water treatment/bioretention aspect of the project is exemplary. (CS1-E-1, CS1-E-2)
- b. The Board suggested that the design could incorporate more design elements that are more educational beyond just the placement of placards. The Board recommended a condition to embed an educational message and promoting ecological literacy into the design in order to make the bioretention features more evident to the public. The Board also recommended showing the difference between the runoff going into the Lake Union and the runoff going into the separate storm sewer system as part of the educational aspect. (CS1-E-1, CS1-E-2, DC3-C-2)
- c. The Board continued by recommending a condition that the team further explore ways of celebrating the bioretention features using materials, detailing, or landscaping like some of the precedent imagery on page 29 of the Recommendation packet. (CS1-E-1, CS1-E-2, DC3-C-2)

6. Trees and Planting:

- a. The Board recommended approval of the configuration of the public staircase that is designed to preserve the existing trees in the right-of-way. (CS1-E, CS2-A-1, CS2-B-2, CS2-B-3)
- b. The Board recommended a condition that the design team work with a qualified professional to develop and institute a tree protection and preservation plan for the Linden tree located on the adjacent property near north-eastern corner of the building to reduce impacts during excavation or construction. (CS1-E, CS2-A-1, CS2-B-2, CS2-B-3)
- c. The Board agreed with the replacement strategy for the Exceptional Magnolia tree targeted for removal. The Board recommended that the proposed design responded better to the Design Guidelines than the alternate design with this tree retained. (CS1-E, CS2-A-1, CS2-B-2, CS2-B-3, PL3-A-2)

DEVELOPMENT STANDARD DEPARTURES

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

- 2. Dwelling Unit Location (SMC23.47A.008.D.2):** The Code requires that where residential uses are located along a street-level street-facing façade, the floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or set back at least 10 feet from the sidewalk.

The applicant is proposing that the first-floor level residential uses located along the street facing façade be allowed to be located two feet above sidewalk grade.

The applicant's justification suggests that the departure would create better connection and greater opportunities for interaction between street level residential units and the pedestrian realm by reducing the vertical distance between residential stoop floor level and the sidewalk (per **PL-3 Street Level Interaction**). The applicant also states that a two-foot stoop above the sidewalk would not require a guardrail, which would further increase street level interaction potential. As a result, the departure would improve the first-floor residential units by providing taller ceilings. (**PL2-B-1 Eyes on the Street, PL3-B-2. Ground- level Residential, PL3 Street Level Interaction, DC3-A-1 Interior/Exterior Fit**)

The four Board members agreed that the departure would foster a better sense of community interaction and unanimously recommended approval of this departure subject to the conditions listed at the end of this report.

- 2. Parking space and access standards - Driveways (SMC 23.54.030.D.1.c)** The Code requires that driveways of any length that serve more than 30 parking spaces shall be at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic.

The applicant is requesting a departure to allow a residential two-way driveway of 18 feet wide. The applicant believes that reducing the width of the driveway will aid in slowing auto traffic down as it enters or exits the parking garage and to reduce the physical presence of the garage entry along what they have verbalized as quite streetscape.

The Board agreed with the position of slowing down traffic and reducing potential automobile and pedestrian conflicts at the garage entry. As such the Board recommended approval of the departure dependent upon a condition that design team add texture along the ground plane as a way of increasing pedestrian awareness at the garage entry, and install a visual warning device to further mitigate the possibility of conflicts between pedestrian and motorists. (**CS2-B-2 Connection to the Street, PL2-B-3 Street-Level Transparency, DC2- B-1 Façade Composition, DC2-B-2 Blank Walls, DC2-D-2 Texture, DC4-A-1 Exterior Finish Materials**)

The four Board members unanimously recommended approval of this departure, subject to the conditions listed at the end of this report.

SDCI Director determination: The following item is a Type 1 decision that will be made by the SDCI Director in response to the criteria in SMC 23.47A.032.D. The review process considers SDOT's input related to the street and alley system and Design Review Board input related to the design guidelines.

1. Parking Location Access (SMC 23.47A.032.A)

The Code requires parking access from the alley, with exceptions that may be permitted by the SDCI Director. The applicant is proposing vehicle access to the site from Fairview Ave. via a single curb cut.

- SDOT supported the applicant's request to provide access for vehicular parking from Fairview Ave E., recognizing the final determination is for the SDCI Director to make.
- While not in their purview, the Board also verbalized their support of the request to allow parking access off Fairview Ave. E.

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-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

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.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-E Water

CS1-E-1. Natural Water Features: If the site includes any natural water features, consider ways to incorporate them into project design, where feasible

CS1-E-2. Adding Interest with Project Drainage: Use project drainage systems as opportunities to add interest to the site through water-related design elements.

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

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists and create a sense of place where the physical context is less established.

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

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-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-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-D Height, Bulk, and Scale

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

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

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

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

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

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

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to

the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

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

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

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

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

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

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

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

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

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

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.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

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

PL3-A Entries

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

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

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

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

PL3-B Residential Edges

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

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

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

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

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passers-by with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where

possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

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.

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

PL4-A Entry Locations and Relationships

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

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

PL4-B Planning Ahead for Bicyclists

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

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

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

PL4-C Planning Ahead for Transit

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

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

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

Structure Design: Buildings adjacent to bus stops should integrate shelters or covered areas with seating/leaning rails into the facade of the building.

DESIGN CONCEPT

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

DC1-A Arrangement of Interior Uses

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

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

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

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

DC1-B Vehicular Access and Circulation

DC1-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

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

DC1-C Parking and Service Uses

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

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

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

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

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

DC2-A Massing

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

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

DC2-B Architectural and Façade Composition

DC2-B-1. Façade Composition: Design all building façades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all façades 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 façades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to façades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design.

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

DC2-C-3. Fit with Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

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

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

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

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

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

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.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

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

DC4-A Exterior Elements and Finishes

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

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

DC4-B Signage

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.

DC4-E Project Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated Wednesday, October 30, 2019, and the materials shown and verbally described by the applicant at the Wednesday, October 30, 2019 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the materials, three of the four Design Review Board members recommended approval of the departures. All four Design Review Board members recommend approval of the design with the following conditions:

1. The project shall use the material palette illustrated in the Recommendation packet. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)
2. Add texture along the ground plane along with other visual warning devices to mitigate conflicts between pedestrian and automobile at the parking garage entry interface. (CS2-B-2, PL2-B-3, DC2-B-1, DC2-B-2, DC2-D-2, DC4-A-1)
3. Add an educational message that promotes ecological literacy into the design as a means of making the bioretention features more evident to the public. As part this experience

demonstrate the difference between the runoff going into the Lake Union and the runoff going into the separate storm sewer system. (CS1-E-1, CS1-E-2, DC3-C-2)

4. Explore ways of celebrating the bioretention features with the unique application of materials, detailing, and landscaping like precedent imagery on page 29 of the Recommendation packet. (CS1-E-1, CS1-E-2, DC3-C-2)
5. Work with a qualified professional to develop and implement a tree protection and preservation plan for the Linden tree located on the adjacent property near north-eastern corner of the building. (CS1-E, CS2-A-1, CS2-B-2, CS2-B-3)

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 October 30, 2019, the Board recommended approval of the project with the conditions described in the summary of the Recommendation meeting above.

The four (4) 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 Recommendation Design Review Conditions:

The applicant responded with a memo dated June 9, 2020, noting, that the MUP plan set was updated to be consistent with the recommendation packet and conditions of approval provided by the Board. The updates consist of the following items that were added to the latest MUP submittal plan set.

1. The project shall use the material palette illustrated in the Recommendation packet. (DC2-B-1, DC2-D-2, DC4-A-1, DC4-D-2)

Response: The material palettes will be the same. Plan Sheets DR01 and DR02 in the MUP Drawing Set which matches the Recommendation Packet material palette.

2. Add texture along the ground plane along with other visual warning devices to mitigate conflicts between pedestrian and automobile at the parking garage entry interface. (CS2-B-2, PL2-B-3, DC2-B-1, DC2-B-2, DC2-D-2, DC4-A-1)

Response: Item 1, Plan Sheet L100 showing different texture on ground plane at vehicle parking entrance.

3. Add an educational message that promotes ecological literacy into the design as a means of making the bioretention features more evident to the public. As part this experience demonstrate the difference between the runoff going into the Lake Union and the runoff going into the separate storm sewer system. (CS1-E-1, CS1-E-2, DC3-C-2)

Response: An educational component of the bioretention features will be implemented at the top (landing level) and bottom (plaza level) of the bioretention systems. These are currently in early planning, as well as building signage, and will be part of the building and stair construction.

4. Explore ways of celebrating the bioretention features with the unique application of materials, detailing, and landscaping like precedent imagery on page 29 of the Recommendation packet. (CS1-E-1, CS1-E-2, DC3-C-2)

Response: Items 2, 3, and 5, and Plan Sheets DR02 and DR03 in the MUP Drawings, showing the integration of the stair and bioretention planters with landscaping and the site topography, highlighting this aspect of the project as a feature and public amenity.

5. Work with a qualified professional to develop and implement a tree protection and preservation plan for the Linden tree located on the adjacent property near north-eastern corner of the building. (CS1-E, CS2-A-1, CS2-B-2, CS2-B-3)

Response: Plan Sheet L100, showing tree protection. A licensed arborist will assist in developing and implementing a tree protection and preservation plan for use during project construction.

The applicant's responses have resolved the Board's recommended design review conditions.

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 recommendations of the Design Review Board made by the five (5) members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director accepts the Design Review Board's recommendation.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure summarized at the end of this Decision.

II. ANALYSIS – SHORELINE VARIANCE

Overview: The criteria for shoreline variances are found in the shoreline district chapter of the Seattle Municipal Code. SMC 23.60A.036 states that in specific cases the Director, with approval of DOE, may authorize variance from certain requirements of the chapter if the request complies with WAC 173-27-170, as now constituted, or hereafter amended. The following is an overview and a full analysis.

The project proposal is seeking a shoreline variance for relief from the 30-foot height restriction for that portion of the project located within the Urban Commercial (UC) shoreline environment.

The shoreline variance criteria are listed in SMC 23.60A.036.

A. *Except as provided in subsection 23.60A.036.B and 23.60A.036.C, in specific cases the Director, with the approval of Ecology, may authorize a shoreline variance from bulk, dimensional, and performance standards of this Chapter 23.60A if the Director finds that the applicant has demonstrated that the request:*

1. *Complies with WAC 173-27-170 and the Shoreline Policies in the Comprehensive Plan;*

WAC 173-27-170 includes review criteria for variance permits:

- (1) *Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.*

The policy enumerated in RCW 90.58.020 provides for: “. management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” Further, the policy states: “Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.” The proposed development includes a mixed-use

residential and commercial building and public plaza, that will allow users to enjoy access to the shoreline and public parks in the area.

The project proposal consists of a 5-story, 103-unit mixed-use apartment building and onsite parking for 37 vehicles. The proposed building structure will be constructed to a height of 40 feet with rooftop features reaching a height of 45 feet. The maximum allowable height for building structures located within an Urban Commercial (UC) shoreline environment is 30 feet and therefore requires a variance from dimensional standards specified in SMC 23.60A.

Consistent with RCW 90.58.020, the Project is compliant with state-wide standards for shoreline protection. The requested height increase will not increase impacts to the shoreline environment and will result in no net loss of ecological functions.

Granting approval of a variance from the height development standard would not cause significant injury to occupiers of the land, of other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act.

(2) *Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:*

(a) *That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;*

The strict application of dimensional standards would significantly interfere with reasonable use of the property due physical constraints and shoreline environment height requirements which necessitate the pursuit of a variance from the shoreline environment height standards. The proposal site is an upland lot, located within a UC shoreline environment where the maximum allowable height is 30 feet. Further, the proposal site is located within an underlying Neighborhood Commercial 2, height limit of 55' (M) [NC2-55 (M)] zoning district. The area was up-zoned through the City's Mandatory Housing Affordability (MHA) process from Commercial 1- 40 (C1-40), maximum height of 40 feet to NC2-55 (M). Despite the new zoning designation, the project is being pursued under the old zoning designation of C1-40 to reduce impacts to the adjacent properties located upslope and to the east.

It should be noted that the proposal site is a relatively long and narrow lot with its longest dimension parallel to the shoreline. Development of the site is also subject to setback restrictions from the existing overhead utility lines on the west and geologic conditions (liquefiable soils) that restricts placing the below the ground surface. In addition, approximately three-quarters of the development site is located with the UC shoreline environment which has a 30-foot height threshold compared with the underlying NC2-55 zoning. Due to the narrowness of the site and other physical constraints of the site, constructing more of the

building footprint outside of the shoreline environment to take advantage of the higher height threshold is not possible. As such, a variance request is being pursued to allow the portion of building located within the shoreline environment to increase the allowable height of the portion of the building within the UC designated area so that it matches the height of that portion located outside of the shoreline environment.

- (b) *That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;*

The hardships described in subsection (a) are specifically related to the proposal site's unique physical conditions and zoning designation which includes a long and narrow shape, close proximity to existing overhead utility lines, geologic conditions related to liquefiable soils, and building height constraints resulting from the site being only partially located within an Urban Commercial shoreline environment. These constraints have not been generated from deed restrictions or applicant actions.

- (c) *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;*

The proposed project, a commercial-residential mixed use development on an upland use with an intervening road, (Fairview Ave E.) is an allowed use within both the underlying Commercial zoning and overlay Urban Commercial shoreline district and is compatible with other authorized uses within the area, and anticipated under the comprehensive plan and shoreline master program. No adverse impacts to the shoreline environment are anticipated as a result of the increased height that would result from approval of the shoreline variance.

- (d) *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.*

All neighboring commercially zoned properties, not located within the UC shoreline environment, would be allowed a maximum height of 55 feet under current zoning. This variance review considers the application of the criteria to the site-specific facts, and approval of the variance would not constitute the granting of special privilege, but rather allow for a measure of relief to an otherwise encumbered building site.

- (e) *That the variance requested is the minimum necessary to afford relief; and*

The requested shoreline variance is the minimum necessary to afford relief to the proposed mixed-use development proposal site that is somewhat bifurcated by the Urban Commercial shoreline designation, encroaching approximately three quarter of the way into the building site. The result would be a building with

three quarters of the roofline at a 30-foot height and the western one quarter at a height of 40 feet. The resulting upper floor units would be extremely narrow with unit depths as little as 15 feet. Granting the variance would allow for a consistent building height of 40 feet plus 5 feet for rooftop features across the upper floors of the building.

The Project as proposed would allow for construction of a unified development scheme that is consistent with adjacent buildings while preserving views and allow for a more efficient layout of the proposed solar array.

(f) That the public interest will suffer no substantial detrimental effect.

The public interest will not suffer substantial detrimental effect if the portion of the building located within the UC environment can be built to a height of 40 feet. Choosing not to build to an allowable height of 55 feet, but to a 40-foot height instead, the proposal reduces height impacts and improves views to Lake Union. In addition, the building design purposefully relies on a roof terrace located near the southern portion of the building which is lower in height than the amenity room and living units to either side allows for even greater views to Lake Union though a view corridor to the lake specifically designed to provide relief to the upland property located immediately to the east.

While not directly related to the variance request, the project would provide substantial public benefits, by including a pedestrian hill climb stair along the E. Martin St. ROW from Eastlake Ave E. down to Fairview Ave E. The stair climb would connect to the public plaza and allow increased public access to the shoreline and points beyond including Good Turn Park and Cheshiahud Loop Trail. The project will also provide other benefits in the form of bioretention basins designed to treat runoff from Interstate 5 before reaching Lake Union as well as on site BMPs.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

The proposed development is not located waterward of the OHWM and therefore these criteria are not applicable.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

The cumulative effect of granting the requested variance would have no or limited cumulative impacts for like actions as other properties in the immediate area are located outside of the UC shoreline environment and would be allowed a height of 55-

feet, without the requirement for a shoreline variance. A small triangular portion of the northwest corner of the building located to the immediate south would need a variance beyond the maximum allowable 30 foot height limit in order to match the allowable 55-foot height limit of those portions of the building not located within the UC shoreline .

(5) Variances from the use regulations of the master program are prohibited.

No variance from the use regulations is being requested for the project.

2. *Complies with WAC 173-27-170 and the **Shoreline Policies in the Comprehensive Plan**;*

The Comprehensive Plan lists policies that are consistent with those in SMC 23.60A, WAC 173-27-170, and RCW 90.58A.020. As described in response to previous criteria and below, the proposal is consistent with those policies.

SA P62 Allow uses that are not water oriented only when in combination with water dependent uses or in limited situations where they do not conflict with or limit opportunities for water-dependent uses or on sites where there is no direct access to the shoreline.

While the proposal is not water dependent or in conflict with opportunities for water uses, the project will provide substantial public benefits, by introducing a new public access point to the shoreline via a pedestrian hill climb stair along the E. Martin St. ROW from Eastlake Ave E. down to Fairview Ave E. The project will also provide other benefits in the form of bioretention basins designed to treat runoff from Interstate 5 before reaching Lake Union as well as on site BMPs.

SA P63 Require visual access to the water through view corridors or other means for commercial and larger multifamily residential projects.

The project will provide relief to the adjacent properties by not building to the allowable height of 55 feet, but to a 40-foot height instead. In addition, the building design purposefully relies on a roof terrace located near the southern portion of the building which is lower in height than the amenity room and living units to either side which allows for even greater views to Lake Union though a view corridor specifically designed to provide relief to the upland property located immediately to the east. Finally, the project proposal provides opportunities for a physical connection to the shoreline via a pedestrian hill climb stair along the E. Martin St. ROW from Eastlake Ave E. down to Fairview Ave E., with access to Good Turn Park and Cheshiahud Loop Trail.

SA P64 Provide for public access to the shoreline and require shoreline environmental restoration and enhancement for uses that are not water dependent.

The project will provide a new public access point to the shoreline via a pedestrian hill climb stair along the E. Martin St. ROW from Eastlake Ave E. down to Fairview Ave E. The project will also provide other benefits in the form of bioretention basins

designed to treat runoff from Interstate 5 before reaching the shoreline and Lake Union as well as on site BMPs.

SA P89 (3) The thirty-five-foot height limit provided in the Shoreline Management Act shall be the standard for maximum height in the Seattle shoreline district. Exceptions in the development standards of a shoreline environment may be made consistent with the Act and with underlying zoning and special districts where

- a. A greater height will not obstruct shoreline views from a substantial number of residences on areas adjoining the “shoreslines of the state” as defined in RCW 90.58.030(1)(g) that are in Seattle and will serve a beneficial public interest,*

The allowable 40-foot height located outside of the shoreline environment and the commensurate 40-foot height within the shoreline environment will not obstruct shoreline views from a large number of residences located upslope of the proposal site. Further the building design purposefully relies on a roof terrace near the southern portion of the building designed to be lower in height than the amenity room and living units to either side which allows for views to Lake Union through a view corridor specifically designed to provide relief to the upland property located immediately to the east.

- 3. Complies with standards in Section 23.60A.030;*

The proposal is consistent with the policies and procedures of RCW 90.58.020 as described in response to the WAC 173-27-170 criteria. The project a mixed-use development that includes multi-family residential units and office space which are permitted uses within the UC shoreline environment and underlying NC2-55 zone. The proposal meets all applicable standards in SMC 23.60A, except for building height, which requires approval of the variance for increased height within an UC shoreline environment. As analyzed with this variance request the proposal meets the requirements of SMC 23.60A.036.

- 4. Complies with any additional criteria set out in this Chapter 23.60A for granting a variance; and*

There are no additional criteria set out in SMC 23.60A for granting a variance, aside from the criteria analyzed with this variance.

- 5. Can achieve no net loss of ecological functions unless a variance from this requirement is granted under subsection 23.60A.036.C.*

The project is designed to achieve no net loss of ecological functions. Granting the variance will allow the project to enhance views of the shoreline; implement green stormwater control features such as bioretention facilities and onsite BMPs.

The project’s overall impacts are consistent with the goal of no net loss of ecological functions and no variance from this standard was required.

B. Determinative standards. Standards relating to the characteristics of uses or shoreline modifications that are determinative of whether the uses or modifications are allowed, allowed as special uses, allowed as shoreline conditional uses, or prohibited in the use sections of each environment or in standards for specific uses are not subject to variance, except as follows:

1. An applicant may apply for a variance from height, bulk, and scale standards.

A shoreline variance from dimensional standards (height) is being requested to allow the proposed building to be built to 40 feet (for a 10-foot height allowance) and rooftop features to 45 feet (for a 5-foot height allowance) within the UC shoreline environment, landward of OHWM.

2. An applicant may apply for a variance from other characteristics of uses or shoreline modifications by complying with the applicable variance standards of this Chapter 23.60A and also demonstrating that there is no reasonable use of the property without the variance, regardless of whether the project is waterward of the OHW mark or in a wetland.

The proposed development is not requesting a shoreline variance from other characteristics of uses or shoreline modifications and therefore these criteria are not applicable.

C. No variance is allowed from the requirements to achieve no net loss of ecological functions unless the applicant demonstrates by clear and convincing evidence that the standards for a shoreline variance in WAC 173-27-170(3) are met, regardless of whether the project is waterward of the OHW mark or in a wetland, in addition to complying with other sections of this Chapter 23.60A. Notwithstanding such findings, the Director may deny the shoreline variance if the impacts are inconsistent with the public trust doctrine or the laws of nuisance, or would cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act.

As described earlier in this analysis, the project's overall impacts are consistent with the goal of no net loss of ecological functions and no variance from this standard was required.

D. Upon transmittal of the Director's approval to Ecology, the permit may be approved, approved with conditions, or denied by Ecology.

Granting approval of this variance for the construction of the mixed use structure to a height of 40 feet and rooftop features to 45 feet within the UC shoreline environment would not cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function. SDCI does not recommend any conditions.

DECISION - SHORELINE VARIANCE

The proposal satisfies the criteria of SMC 23.60A.036 and WAC 173-37-170. The requested Shoreline Variance is hereby **RECOMMENDED FOR APPROVAL**.

III. ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section [23.60A.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:”

1. *Is consistent with the policies and procedures of RCW 90.58.020;*
2. *Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
3. *Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
4. *If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.*

1. Is consistent with the policies and procedures of RCW 90.58.020;

Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.

The construction of the 5-story, 103-unit apartment building with parking for 37 vehicles within the structure in addition to the removal of the 1-story portion of the existing building will result in no direct impacts to the nearby Lake Union. In addition, no change in over water lot coverage would occur as a result of this project proposal. The project will use appropriate Best Management Practices during construction for protection of the aquatic habitat, and therefore will not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. The subject application is consistent with the procedures outlined in RCW [90.58](#).

2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;

The proposed project, a five-story, 103-unit apartment building with parking for 37 vehicles is a permitted use within the Neighborhood Commercial 2 - 55 (M) (NC2-55 (M)) underlying zone (SMC 23.45.504) and the Urban Commercial Environment overlay (SMC 23.60A.383.A).

3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted;

The subject property is classified as an upland lot and located within an Urban Commercial (UC) Shoreline Environment, as designated by the Seattle Shoreline Master Program. Pursuant to SMC 23.60A.402.A.1, in which new mixed use commercial and residential structures are allowed if they meet the standards in subsections 23.60A.090 and 23.60A.5386. The project has been reviewed by SDCI staff and found to be consistent with all applicable use and development standards except for height which a variance from dimensional standards is being requested and analyzed above. Code subsection 23.60A requires that design and construction of all uses within a shoreline environment is conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity designed to protect the ecological functions of shoreline areas.

4. If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.

The proposed project does not require special use approval or a shoreline conditional use permit but does require a shoreline variance permit for relief from height standards specified in the Urban Commercial shoreline environment which is analyzed above.

Conclusion

SMC Section [23.60A.063](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings). The project as proposed meets the specific standards for development in the Urban Commercial Shoreline Environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

Therefore, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

IV. 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 1/30/2019. 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 greenhouse gas, construction traffic and parking impacts, noise, mud and dust, 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 parking impacts along Fairview Ave E. and E. Allison

St. and significant traffic congestion during peak travel times along Eastlake Ave E. 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: [Project & Construction Coordination Office](#)

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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood 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 mitigation noise impacts per SMC 25.05.675.B.

Construction Impacts – Mud and Dust

Approximately 21,000 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 en route to or from a site.

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

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, 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. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures located at 3150 Fairview Ave E., are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 155/20. 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."

Shadow impacts. The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. In addition, the applicant team provided a shadow study which demonstrates that the greatest shadow impacts to properties located on the west side of Fairview Ave E. would occur between 9:00 AM and 12:00 PM on December 21. The applicant 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 consists of a 103-unit apartment building, demolition of a 1-story portion of the existing building to be demolished and a 2-story portion to remain for office use, and 37 on-site parking spaces. A Transportation & Parking Analysis prepared by Heffron Transportation, Inc., updated July 3, 2019 summarizes the hourly parking demand for this proposed mixed-use project by time of day for a peak weekday and weekend identified a peak on-site parking demand of 44 stalls of which 37 stalls are being provided as part of the development proposal. Under this scenario, the peak parking demand is projected to exceed the proposed on-site supply by 7 vehicle spaces.

The proposal site is located within close proximity of a bus transit stop located at Eastlake Ave E. and E. Allison St. Per SMC 25.05.675.M there is no SEPA authority provided for mitigation of parking impacts in Urban Villages within 1,320 feet of frequent transit service. The proposal site is located within the Eastlake Residential Urban Village., 335 feet from a frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal

Transportation

The Transportation & Parking Analysis prepared by Heffron Transportation, Inc., updated July 3, 2019 summarizes that the project is expected to generate 370 net new primary trips per day, with 26 during the AM peak hour and 36 during the PM peak hour. The data compiled, was used to determine inbound and outbound vehicular trip patterns during the PM peak hour. The estimated distribution pattern for project-generated vehicle trips summarized in the report indicates that distribution would be along several different routes within two screen lines.

Although the City has recently updated its Transportation Concurrency policy, the project proposal was initiated prior to the update, and is vested under the previous concurrency policy detailed in Director's Rule 5-2009. Within this policy, the City has defined 30 screen lines, each of which encompasses one or more arterials in the city. Screen line analysis is a transportation-planning tool that groups key arterials of a transportation network together to measure the operating conditions of a corridor. The City has established a level of service standard for each screen line, which is measured by the volume-to-capacity ratio (v/c). The project passes concurrency if the v/c ratio with the addition of a proposed project's traffic is lower than or equal to the level of service standard for the screen line.

Two screen lines were evaluated for this project the Ship Canal – University and Montlake Bridges (Screen line 5.16), and South of Valley Street – Valley Street to Denny Way (Screen line 8). With the project, the v/c ratios for the screen lines evaluated would remain below the established level of service standards. Therefore, transportation concurrency would be met for this project. The SDCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted 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.

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

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

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review 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. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (David Landry, david.landry@seattle.gov).

Prior to Issuance of a Building Permit

2. Plans shall be in substantial conformance with the approved plans for Master Use Permit number 3031100-LU.

CONDITIONS – SHORELINE VARIANCE

None

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT

Prior to and During Construction

3. The owner(s), builder(s), or responsible party(s) shall follow a Best Management Practices and the Emergency Containment plan developed to prevent debris and other deleterious material from entering the water during construction.

Prior to Issuance of any Permit to Construct or Demolish

4. The applicant shall provide plans that incorporate acceptable Best Management Practices that include but not limited to the following:
 - a. Install and maintain a silt curtain/sediment control fence at the edge construction staging areas to minimize the amount of sediment introduced into Lake Union
 - b. Surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water, and
 - c. Dispose of all construction debris in an authorized upland facility.

Prior to and During Construction

5. Equipment using oil, gasoline, or diesel used on site shall be checked daily for evidence of leakage, if evidence of leakage is found, further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

CONDITIONS – SEPA

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

- 6.. 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](#)

David Landry, AICP, Land Use Planner
Seattle Department of Construction and Inspections

Date: July 16, 2020

DL:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

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

The “approved for issuance” date marks the beginning of the three-year life of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by 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.