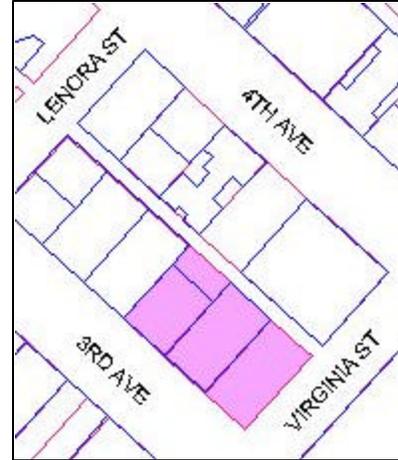


BACKGROUND DATA

Site Description

The site is a total of 19,440 square feet located within the Downtown Mixed Commercial Zone which allows residential bonus height up to 400 feet. The site is within the Belltown Urban Village and neighborhood specific guidelines for Belltown have been adopted as an extension of the Downtown guidelines. Located at the corner of Third Avenue and Virginia Street, the proposed development comprises a 43-story mixed-use development on the southwest quarter of a block bounded by Third Avenue to the west, an alley to the east, Virginia Street to the south and Lenora Street to the north. The site slopes approximately 8 feet along Virginia Street. The proposal calls for commercial retail uses occupying the street level along Third Ave and Virginia Street with residential uses (approximately 431 apartment units) and approximately 40 hotel rooms on the upper floors. Floor 43 will house an amenity space that will be used by both residents and patrons of the hotel. Parking is located both above and below-grade with five and a half levels of parking below grade and two levels of parking above the ground floor. The vacant site is currently used as a surface parking lot.



Vicinity

Located just outside the Downtown Commercial Core in the Belltown District, this area has a wide range of land uses and structures. Uses include offices, retail, social service agencies, multi-family residences and surface and garage parking lots. Immediately adjacent the site to the north is the recently constructed YWCA seven story brick apartment building and the Marshall Building, a four-story brick commercial structure lies to the east across the alley. Across Third Avenue and Virginia Street to the west, development includes predominantly lower scaled commercial structures.

The Downtown Mixed Commercial (DMC 240-290/400) zone surrounds the subject site to the west, north and east. Across Virginia Street to the south, however, the zone changes to Downtown Office Core 2(DOC2 500/300-500). The subject site falls within the Belltown Urban Village and neighborhood specific guidelines for Belltown have been adopted as an extension of the Downtown guidelines.

Third Avenue accommodates two-way traffic with parallel parking on the west side of the street. Third Avenue is designated as both a principal Transit Street and a Class One Pedestrian Street. Virginia Street is classified as a Minor Arterial, Class II Pedestrian Street that runs one-way east bound. Parallel parking is located on both sides of Virginia. SDOT however, is considering turning Virginia Street into a two-way street at some point in the future. An existing alley runs along the east side of the site.

A previous application (#9907946 and #2002819) for an office building was proposed for this site. Design guidance for this project focused on the details, landscaping and programming of the pedestrian realm and streetscape.

Project Description

The proposal is for a 43-story tower containing 431 residential units, 40 hotel rooms and ground floor commercial spaces adjacent to a lobby. The project includes parking for approximately 364 vehicles. Access to the site will occur from the alley. (Access to the site was originally proposed from Virginia Street. However, the Director determined that access shall occur from the alley). The existing alley is 16 feet wide and the proposed development will dedicate an additional two feet, bringing the alley width to 18 feet. A loading berth and other building services are proposed from the existing alley. The height of the tower will be 400 feet, with an additional 40 feet in height provided for building services. The project includes elimination of an existing surface parking lot. Grading of approximately 47,882 cubic feet will also be required for the below grade portion of the parking.

Public Comments

Seven members of the community attended the Early Design Guidance meeting held on November 1, 2005. Comments focused on the following issues:

- Statement that the project under review at 4th and Virginia should be taken into consideration in the planning of the proposed development.
- Clarification of any sculptural form at the rooftop.
- Pleased that the Marshall Building was recognized in the presentation.
- Question why proposed building will be apartments and not condos.
- Support the proposed project and would like to see rooftop open spaces provided for recreation.
- Clarify unit size.

Approximately 11 members of the community attended the Second Early Design Guidance meeting which was held on February 14, 2006. One comment letter was received in addition to the meeting. Comments focused on the following issues:

- Numerous new residential projects are proposed in the immediate vicinity of the subject site. These various projects should coordinate efforts to improve the streetscape in this transitional area between downtown and Belltown. Recommendations of the “Belltown Streetscape Study for 3rd and 4th Avenues” include new sidewalks and trees, as well as high quality streetscape design elements that contribute to the pedestrian experience.
- Given the limited public open space in the Belltown neighborhood, it is critical that the sidewalk and street environment are addressed with thoughtful attention to the residents and provide well-programmed and inviting streetscapes.
- The piecemeal approach to redevelopment in the neighborhood is not appropriate. The streetscape improvement should extend for the entire block, so as to avoid the appearance of disjointed development.

- Concerned with the above grade parking, however obscured. The parking is a self-imposed parameter and creates a two to three story dead zone adjacent to the sidewalk.
- The driveway and the alley are within ten of each other, significantly disrupting the pedestrian flow and sets a poor precedent for curb cuts being located too close to each other.
- A strong landscape plan along Third Avenue is needed.
- Question whether studies have been completed that show how the alley is currently being used and how this activity will impact the projected number of cars likely to use the alley.
- Concerned that the tower placement will cast shadow onto the designated open space.
- Object to the proposed building height as completely out of scale with the surrounding context.

Approximately ten members of the community attended the Recommendation meeting held on December 12, 2006. One comment letter was received in addition to the meeting. Comments focused on the following issues:

- Did not receive notification of the Recommendation meeting. Clarified that comments were submitted to the City officially on 10/21/2006. Believe all public comments on a project should be provided to Board.
- Believes that a tower location and configuration study was not completed by the City per the process as described in a DPD memo. Tower location of proposed building will impact ability of adjacent property owner from also proposing a tower development.
- Noted improvements to the east elevation and its relationship to the Marshall Building and suggest that these design elements be conditions of the project.
- Would like to see existing dumpsters currently located in the alley be accommodated into the proposed building.
- Owner of Marshall Building was on mailing list but did not receive notification of the Recommendation meeting.
- Study based upon a 400 unit building to have approx. 1,400 in/ out automobile trips from the garage per day; currently approx. 300 automobile trips/day which was noted to be a significant increase in automobile traffic from the current alley use. Found traffic study misleading and unclear.
- Applicants met with Belltown community members and presented the building to the community. The community response was positive and they support the proposal with alley access.
- Biggest priority is the street level pedestrian experience and activity, sees both the retail and lobby changes as positive additions to the neighborhood.
- Support for the proposed project.
- Likes the proposed landscape base planting at the trees and would like to see that planting design incorporated into the immediate neighbors.
- Supports alley access and has seen this work on a block with a 400-unit building and 2-3 restaurants, helps to preserve pedestrian activity.
- Very positive about the relief at the building corner and the 24/7 lobby activity space w/ flanking retail.
- Positive reaction to the corner transition from Marshall building height to the YWCA height on 3rd Avenue.
- Support the proposed bulb out on Virginia Street, which provides safety for pedestrians.

- Statement provided by the abutting YWCA noted they are pleased with the ample lighting of the street and alley way – provides safety, the well lit lobby, the 24/7 activity at the lobby and the reduction of dumpsters along the alley.

The first SEPA comment period for this proposal ended on June 7, 2006 and was extended by request to June 21, 2006. The project was re-noticed on two subsequent occasions and included additional comment periods, the final one of which ended on November 29, 2006. Seven comment letters were received focusing on the following issues:

- Requesting to be listed as a Party of Record.
- Support for downtown height changes.
- Oppose height of proposed building.
- Would like to see residential units be a mix of low, moderate and high income.
- No design departures should be granted for reduced retail frontage on Third Avenue. Vehicular access should be from the alley. Upper level space should be appropriately designed with limited lighting. Above grade parking should be limited and all parking should be below grade.
- Proposed tower location restricts future development of Marshall Building due to tower spacing requirements, does not respond to context or design guidelines. Street access provides needed separation between parking garage traffic and alley operations. Would like to see Marshall Building's garbage containers absorbed into proposed development. Alley façade design should respect alley façade of Marshall Building. Above grade parking does not meet separation requirements. Tie backs have not been granted by Marshall Building owners.
- Traffic study needs to consider cumulative impacts of proposed and future developments on transportation system. City should confirm accuracy of mode-split and vehicle generation data. Study needs to identify peak hours of proposed development.

ANALYSIS - DESIGN REVIEW

At the Early Design Guidance (EDG) meeting, the applicant presented several massing diagrams. All of the options have a four-story podium with 100% lot coverage. All of the schemes also show access from both the alley and Virginia Street. The ramp from the alley would serve the below grade parking levels and the ramp accessed by Virginia Street would serve the three levels of above grade parking (above the commercial ground floor). Option #1 showed retail and lobby uses along Third Avenue and wrapping the corner onto Virginia Street. Option #2 resembles the previous scheme, but shows retail uses along Third Avenue and lobby uses on Virginia Street. The placement of the tower element, measuring approximately 100 feet by 100 feet was shown in three scenarios. The first locates the tower flush with the southern façade of the base podium. The second alternative centers the tower on the podium. The final option shifts the footprint of the tower to the north end of the podium. The area of the podium surrounding the tower is called out as plaza space for the tenants.

At the second EDG meeting, a more evolved design was presented to the Board showing a tower design that is shifted to the southern end of the site. The building podium reaches 80 feet corresponding to the height of the YWCA building to the north. The proposed design also includes a 22 foot by 68 foot notched section on the south end of the structure at 65 feet to respond to the Marshall Building across the alley. The tower itself measures 100 feet by 100 feet. At the ground level, the building

corner is set back nine feet on Virginia Street and five feet on Third Avenue. The residential open space and amenity rooms are located at the sixth floor and the ninth floor. Above the ground floor, the first above grade parking level is screened with shadow box glass in an effort to strengthen the appearance of the commercial base.

At the Recommendation meeting, Ankrom Moisan Associated Architects was introduced as the new design firm working with Tarragon Development as the applicant for the 2000 3rd Avenue project. Building context and previous Design Review Board Recommendations (EDG 1 & 2) were reviewed. The presentation focused on the building top as an iconic feature in the skyline, the building base as it references the surrounding context and provides the pedestrian experience and the building corner which will be seen as the gateway into Belltown from the Downtown Commercial Core.

Three departures (see end of Design Review analysis) were introduced and explained through plans and elevations, along with alternate plans and elevations showing the building without any departures. A series of photomontages were shown to illustrate the impact of the proposed building design in context of the Seattle downtown skyline and the street level experience. Hand rendered sketches showed a more pedestrian experience at the building base around the lobby and retail areas. A series of elevations, ranging from overall building to detailed and enlarged bay elevations described building composition, massing, and building details, such as lighting, masonry layout, etc. In addition, two section-elevations described the proposed parking screening and the two-story art space at the building corner lobby, which also serves to conceal parking behind. The corner glass element extends the height of the building to the building top and terminates as a viewing room amenity space for both residents and guests of the facility. The sculptural carving out of the column at the corner, and lighting of the amenity rooms at the top provide for an iconic top. The streetscape landscape design was coordinated with the City of Seattle Arborist for species, location, size, etc. Additional landscaping is located at the ninth floor common outdoor terrace, as well as on the amenity space on the 43rd floor roof terrace.

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment on November 1, 2005, February 14, 2006 and December 12, 2006, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those guidelines found in the City of Seattle's "*Design Review: Guidelines for Downtown Development*" of highest priority to this project. The Belltown specific supplemental Design Guidelines are in italics. The plain text following the guidelines elaborates on the Board's discussion of the design issues. The Board's final recommendations are in bold italics.

A. Site Planning & Massing

A-1 Respond to the physical environment. Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures such as the Space Needle.

A-2 Enhance the skyline. Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

The Board discussed at length the placement of the tower above the podium, weighing the option of the tower holding the street edge along Virginia Street versus locating the tower at the north end and opening up the plaza space to the south, keeping more light on Virginia Street and recognizing the grid shift. The Board ultimately agreed that Virginia Street better lends itself to the creation of a residential entry and address than Third Avenue. Thus, configuring the tower at the south end appears to work slightly better and will have less impact on potential future tower development on the northeastern portion of the block. By locating the tower more towards the southern end, the residential entry should be given more prominence. The Board stated that the design of the residential lobby should be integrated with the tower above and not appear as two distinct pieces.

The Board also challenged the design to complement the well-detailed YWCA building while strengthening the retail activity along Third Avenue. The Board also agreed that the design of the tower should be very cognizant of the view of the site as one travels northbound on Third Avenue; the shift in the grid pattern creates an expansive, more head-on view of the subject site, especially of a tower reaching heights not currently seen in the immediate vicinity.

At the second EDG meeting, the Board reiterated that the building architecture should respond to the views of the site as approached from Third Avenue to the south. The shift in the grid creates and reinforces the gateway-like location into Belltown from Downtown. The Board encouraged the corner design to be more celebrated and read more strongly. The Board agreed that the proposed design could be strengthened by continuing to wrap the corner where the building sets back.

The Board agreed that the top of the building needs an iconic feature, such as a curving element or other elements that distinguishes itself from the skyline.

At the Final Recommendation meeting, the Board agreed that the building addresses massing and skyline enhancement quite well. The horizontal and vertical elements of the building provide detail and shape that are clearly visible from various locations around the City. The Board discussed how the design of the top might consider night illumination as a means to highlight the top without impacting adjacent apartments in a negative way.

Board Recommended Condition #1:

The Board recommended that the applicant work with Staff to study the exterior lighting at the top of the building. Lighting should be non-offensive to penthouse residents while providing a “soft glow” at the top.

B. Architectural Expression

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

(c) Design visually attractive buildings that add richness and variety to Belltown, including creative contemporary architectural solutions. (d) Employ design strategies and incorporate architectural elements that reinforce Belltown's unique qualities. In particular, the neighborhood's best buildings tend to support an active street life.

B-2 Create a transition in bulk and scale. Compose the massing of the building to create a transition to the height, bulk and scale of development in neighboring or nearby less-intensive zones.

B-3 Reinforce the positive urban form & architectural attributes of the immediate area. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

(a) Respond to the regulating lines and rhythms of adjacent buildings that also support a street-level environment; regulating lines and rhythms include vertical and horizontal patterns as expressed by cornice lines, belt lines, doors, windows, structural bays and modulation. (b) Use regulating lines to promote contextual harmony, solidify the relationship between new and old buildings, and lead the eye down the street. (c) Pay attention to excellent fenestration patterns and detailing in the vicinity. The use of recessed windows that create shadow lines, and suggest solidity, is encouraged.

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

The Board encouraged the design to integrate more whimsical and playful features that enhance the eccentric flavor of the Belltown community. The Board encouraged the design to take cues from the neighborhood vocabulary and create texture on the building elevations. The Board cautioned that the design should be sensitive to the YWCA and Marshall buildings, both of which are well-scaled buildings with interesting façade designs, textures and signage.

The Board specifically recommended that the top of the building be interesting as viewed from the water and other structures in Downtown as part of the Belltown skyline. The form and design of the uppermost levels should strive to be iconic and serve as a future beacon or way finder.

The Board recommended that the tower design should be broken into contrasting elements that include a change in materials and shapes while keeping a slender, graceful geometry.

At the second EDG, the Board agreed that the proposed design successfully breaks down the scale of the tower and utilized the break in the datum line of Opportunity Place to the north to help achieve this appropriate scale.

The Board supported the sharp vertical reveal on the Virginia elevation that creates a shadow line. The Board suggested that the reveal could be extended to the street and help break down the above grade parking levels.

At the Final Recommendation meeting, the Board felt that the overall proportions of the tower are well-unified and the scale shifts appropriately at the base as it relates to shorter buildings. Particularly, the change of scale at the base from Virginia Street to Third Avenue responds well to adjacent YWCA and Marshall Buildings. In addition, the carving out of the corner element, exposing the concrete column, successfully creates a sense of entry and place at the lobby base, while providing an iconic, beacon-like feature at the building top. The Board was also enthusiastic that the artwork proposed at the atrium would offer an interesting and colorful feature.

The Board agreed that the design of the corner as a strong vertical element successfully distinguishes the corner from views looking north on Third Avenue and creates the perception of a gateway marker to the Belltown neighborhood. Locating the building entry and tall lobby space at the corner further reinforces this corner as a focal element.

The character of Belltown at the ground level is critical and the Board suggested further development of the canopies and their relationship to the pedestrian realm. The Board felt these elements could appear more residential than commercial in character. Specifically, the canopies presented to the Board were shown above each ground floor window module and separated by masonry columns with inset lighting in the metal soffits. The Board agreed that the canopies, as shown, should provide continuous overhead weather protection along Third Avenue (see departure request at end of report). The Board also noted that further detailing of the canopy designs would help further meet the Belltown neighborhood guidelines. The Board felt that the horizontal band created by the canopies could provide greater interest and design to help enliven and increase the vitality of the pedestrian experience. As presented, the canopy design appeared too massive and heavy as compared to the more finely detailed parking screening of the two levels above the canopies. The Board would like to see more natural light allowed through the canopies to the sidewalk and generally encourage comfortable pedestrian circulation.

Board Recommended Condition #2:

The Board encouraged the applicant to work with DPD to provide further canopy and lighting details along the ground level retail, as well as at the entry corner.

The Board was pleased with the material palette that includes sandstone and brick on the lower levels, metal siding in three shades (grey, taupe and white) and clear glass. The Board discussed the two shades of brick color proposed at the base. The tan brick is shown at street level and a dark charcoal grey color above. The Board felt that the charcoal brick color created too great a break in the midsection of the building and recommended that the applicant explore a color scheme with less contrast.

Board Recommended Condition #3:

The Board recommends that the applicant work with Staff to explore the charcoal brick and determine whether it should be lighter in value.

Board Recommended Condition #4:

Generally, the design concept presented to the Board shall be built as proposed or otherwise amended through consultation with DPD Staff.

C. The Streetscape

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

Sidewalks should (a) reinforce existing retail concentrations; (b) Vary in size, width, and depth of commercial spaces, accommodating for smaller businesses, where feasible. (c) Incorporate the following elements the adjacent public realm and in open spaces around the building: unique hardscapes, pedestrian-scale sidewalk lighting, accent paving, seating, water features, art and landscape elements. (d) Building corners are places of convergence.

C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

C-3 Provide active—not blank—facades. Buildings should not have large blank walls facing the street, especially near sidewalks.

C-4 Reinforce building entries. To promote pedestrian comfort, safety and orientation, reinforce the building's entry.

C-5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

Overhead weather protection is an important design consideration in Belltown to provide human scaled proportions and pedestrian comfort in the public realm.

Pedestrian activity and pedestrian oriented uses are facilitated when weather protection is provided adjacent to the public sidewalk.

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

(g) In designing a well-proportioned and unified building, the alley façade should not be ignored. An alley façade should be treated with form, scale and materials similar to rest of the building to create a coherent architectural concept.

The Board agreed that reference to the Belltown Design Guidelines should help guide the design development. In particular, enhancing the pedestrian environment, providing contiguous retail and overhead weather protection are critical elements to be considered. The Board noted that attention to careful programming of activity at the ground level is essential especially given the tendency for large groups to gather along the Third Avenue sidewalk at the Opportunity Place. Street furniture, lighting and landscaping are all encouraged as enhancements of the pedestrian realm that will also support retail uses.

The Board requested a more detailed examination of the proposed curb cut off of Virginia and would like to better understand why such a curb cut is needed.

Overhead weather protection should be provided and be an integrated architectural element within a larger design framework or concept for the building. The design of the overhead weather protection should provide an opportunity to individualize or personalize the proposed structure at street level. Specifically, the Board is concerned how the above grade parking levels will be integrated into the building and screen the use and ceiling lighting from view.

The Board recommended the applicant explore widening the sidewalk along Virginia Street to help create a more inviting, spacious area for pedestrians, as well as greater depth for the residential entry.

In order to activate the alley, the Board feels that the commercial spaces at ground level should wrap around the corner from Third Avenue and Virginia Street. The Board also encouraged that a commercial space wrap around to the alley, creating continuity with the Marshall Building and help ground the southeast corner of the proposed building. The Board would also like to see the dumpsters hidden within the building, keeping the alley clear. The Board also recommended high and low level pedestrian scaled lighting along the alley.

At the second EDG meeting, the Board expressed great concern with the three levels of parking located above grade. The Board asked several clarifying questions to ascertain the appearance of the proposed screening materials (described as perforated metal) and the shadow box like windows used to screen the parking level located at the second floor. The Board stated that the treatment of the above grade parking is a critical challenge of this project and that it must be energized and articulated to bring vitality to the public

realm. The Board strongly encouraged the applicants to include intervening uses along the outer walls of the above grade parking. Such spaces were described as workshop rooms that could be located where the parking garage has left over spaces that will help break up the monotony of the parking level facades and encourage views between the building and the street, rather than create a dead zone between the ground floor and the residential floors starting at the fifth level.

The Board discouraged a flat, flush surface and/or monolithic treatment of the facades and strongly recommended that the facades of the parking floors be treated artfully and includes animated elements that give the façade a playful character. The Board was not excited by or supportive of the perforated metal paneling described for the parking level facades. The Board would like to see additional details of whatever screening materials are proposed. The Board did note that the differentiated treatments of the three parking levels actually reads as only two levels and this quality should continue to be integrated into the design. The Board insisted that if the shadow box like glass fascia is pursued, that it be treated creatively.

The Board reiterated their desire for and appreciation that the proposed design includes building materials that wrap around to the alley façade.

The also discussed at length the limited retail space uses proposed at the ground floor. The Board was not satisfied that the departure request to allow reduced retail opportunities at this important corner location was justified. The Board agreed that no compelling reason to approve a reduced street level use was given and that providing ample ground level retail is critical to an active and vibrant street life. Ground level retail should be preserved, especially at this location. The Board also noted that the lobby configuration could be adjusted any number of ways to create a more efficient retail space.

At the Final Recommendation meeting, the Board felt that the transparency of the glass at the corner lobby is good, but further articulation at the retail, housing and hotel entries will help generate a greater residential feel to the space. The art wall inside the corner lobby is an effective way of screening the parking levels behind. By reducing the building to 2 levels of parking above grade, there is now significant improvement in the concealment of parking by integrating it within the language of the bays at the building base. The proposed transparency relating to retail façade is appropriate, providing opportunity for vibrancy at the street level. The use of similar materials, rhythm of bays, and continuation of lighting in the alley way provide coherency to the building on all sides. The Board agreed, however, that the lobby use at the ground level could appear more residential and inviting.

Board Recommended Condition #5:

The Board recommended that the applicant work with DPD to enhance the residential character of the lobby use at the street level.

The Board appreciated the well-detailed streetscape plans that include street trees along both street fronts, canopies, exterior lighting, sidewalk plantings and varied masonry materials at the base.

D. Public Amenities

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

Mixed-use developments are encouraged to provide useable open space adjacent to retail space, such as an outdoor café or restaurant seating, or a plaza with seating. Residential buildings should be sited to maximize opportunities for creating useable, attractive, well-integrated open space.

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

New installations on Third Ave. should continue to be “civic” and substantial and be reflective of the role the street plays as a major bus route. Promenade Streets (Third Ave.): sidewalks should be wide and pedestrian amenities like benches, kiosks, and pedestrian-scale lighting are especially important on promenade streets. Street Edge/Furnishings: Concentrate pedestrian improvements at intersections with Green Streets. Pedestrian crossings should be “exaggerated,” that is they should be marked and illuminated in a manner where they will be quickly and clearly seen by motorists.

As noted earlier, the corner of Third and Virginia should include design details and features that exude a sense of place, attracts pedestrians and inspires people to slow down. The corner should also anchor the building and integrate interesting features that relate to the YWCA building.

At the second EDG meeting, the Board encouraged both a landscape plan and architectural plan that truly engages the sidewalk. The opportunity to develop a coordinated design for the sidewalk realm would be advantageous to this project as a gesture to the community and as a public amenity. Specifically, the softscape and hardscape design should include street trees, ground level plantings, scored paving, lighting and signage graphics.

At the Final Recommendation meeting, the Board agreed that the corner plaza, created by stepping back the façade, adding a curb bulb at the corner, as well as plantings at the entries works well and provide a comfortable, well-defined visual focal space at the corner. The Board specifically noted support for the proposed curb bulb. The space is

further magnified by the two story corner entry space that will include a dramatic piece of artwork that will be visible to passers-by. The Board also noted support for the proposed vertical glass spine and exposed structural column at the base and top as a dramatic entry marker to the Belltown neighborhood. The 9th floor amenity deck for residents has a nice variety of features and landscaping, but the other amenity decks seem to have furniture only.

Board Recommended Condition #6:

The Board encouraged the applicant to consider raising the 9th floor height to increase ceiling in the common recreation rooms and study the separation between base and tower.

The Board was supportive of the location of the common recreation open spaces at the ninth and 43rd floors. The Board was particularly enthusiastic about the common amenity room at the 43rd floor. The Board did note that additional landscaping of the 43rd floor open space could be increased to soften the outdoor area and make the spaces more inviting.

Board Recommended Condition #7:

The Board recommended that the design should provide additional landscaping at the 43rd floor open space.

E. Vehicular Access & Parking

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

Staff Note: DPD review of the proposed curb cut off of Virginia Street is not based on or affected by any previous designs or permits approved for this site.

At the Final Recommendation meeting, the Board agreed that this project has made a strong attempt to integrate above grade parking into the building base. The Board was very pleased that the amount of above grade parking has been reduced to two levels on the street-facing facades (and accommodated for in the below grade levels). The addition of the hotel function within the building base also carries the activity within the building closer to the street level which is desirable for a lively and safe pedestrian experience. The Board also appreciated the treatment of the above grade parking to minimize the appearance of parking with varied metal mesh screens backed with translucent glass in the window bays. The parking levels are contained visually within the overall building base and therefore do not draw attention to the parking use. The basic screening approach is effective; however, including additional detail at the screen will help to further illustrate its design intent.

Board Recommended Condition #8:

The Board is interested in exactly how the parking screening will appear based on the mesh design proposed. The Board recommends that the applicant work with Staff to provide details and sections of the parking screen and consider how it will be illuminated.

At the Final Recommendation meeting, and in response to DPD correction notices, access was shown from the alley. DPD Staff indicated to the Board that the City strongly prefers alley access and would continue to advocate for such a configuration. The Board noted that increasing the retail presence along the street is preferred to having a driveway interrupt the pedestrian circulation and create a large gap in the retail and residential activity along a busy, urban, downtown street. The Board suggested that wrapping the transparency around the alley corner would be desirable, if possible, to facilitate greater sight lines between the alley and Virginia Street. The Board recommended that the applicant and the neighboring Marshall Building owners work together to coordinate accommodation of the dumpsters and loading activities needed for both building programs.

Design Review Departure Analysis

At the Recommendation meeting, three departures from the Code were proposed.

	DEVELOPMENT STANDARD	DEPARTURE REQUEST	JUSTIFICATION	BOARD RECOMMENDATION
1.	23.49.009.A.1 – A minimum 75% of street frontage at street-level where street level uses are required must be specified uses.	63% (108 lineal feet out of 171 total lineal feet)	<ul style="list-style-type: none"> ○ Active lobby is highly visible and not hidden behind shallow retail area. ○ Extensive transparency at the ground floor. ○ Gaining additional retail on Virginia, which is not a Code requirement, was determined to be a reasonable trade off. 	Unanimously approved.
2.	23.49.056.B.1.b(2) – Between 15 and 35 feet above grade, the façade shall be located within 2 feet of the property line. No setback deeper than 2 feet shall be wider than 20’.	36 lineal feet along 3 rd Avenue be set back 3’-6	<ul style="list-style-type: none"> ○ Setback is part of giving more hardscape at the corner for pedestrian use ○ Helps give importance to corner as a gateway feature. 	Unanimously approved.
3.	23.49.018.A. – Continuous overhead weather protection shall be required for new development along the entire street frontage of a lot.	4-8 foot gaps in the canopy coverage	<ul style="list-style-type: none"> ○ Correspond to and reinforce lines of the architecture. 	<p>Approved request along Virginia Street, but not along Third Avenue.</p> <p>Continuous overhead weather protection to be provided along Third Avenue retail frontage.</p>

1. **STREET LEVEL USES (SMC 23.49.009.A.1)** – The Code requires a minimum of seventy-five (75) percent of each street frontage at street-level where street level uses are required (i.e. 3rd Avenue) must be occupied by uses; including: Retail Sales; Human Services; Customer Service Offices; Entertainment Uses; Museums; Libraries; Schools; or Public Atriums. The proposed design includes a reduction of the retail frontage on 3rd Avenue to 63% (108 lineal feet out of 171 total lineal feet) to accommodate the residential and hotel lobby.

The lineal footage of retail along 3rd street has increased an additional 20 lineal feet since EDG #2. Also, 47 lineal feet of retail has been added along Virginia Street in response to the Design Review Board comments. The Board supports this departure because the lobby will be an active ground floor use with the residents' concierge desk, the hotel front desk, the leasing office and a waiting area all visible from the sidewalk and well lit 24 hours a day. Moreover, the Board agreed that the retail spaces proposed appear more functional than those shown in previous iterations. The Board unanimously approved this departure request. (per Guidelines C-1, C-4, D-3)

2. **SETBACK (SMC 23.49.056.B.1.b(2))**: The Code requires that between the elevations of 15 and 35 feet above grade, the façade shall be located within 2 feet of the property line. No setback deeper than 2 feet shall be wider than 20'. The proposed design requests that 36 lineal feet of the lobby elevation along 3rd Avenue be set back 3'-6" from the ground all the way up the tower.

The Board supported the additional 18 inch setback as proposed because the eroded corner and concrete column create a partially covered public plaza at the building entry. The additional width and sidewalk area provide room for ground level landscaping and create a zone for the small scale paving pattern. The setback also allows the corner glass tower to align with the lobby glazing and help connect the base and the body of the building, as encouraged by the Design Review Board. The Board unanimously approved this departure request. (per Guidelines B-3, C-1, D-1, D-3)

3. **OVERHEAD CANOPY (SMC 23.49.018.A)**: The Code requires continuous overhead weather protection for new development along the entire street frontage of a lot. The design proposes non-continuous canopies with four to eight foot gaps in the canopy coverage to correspond with the storefront window modules.

The proposed canopies align with the storefront openings in the stone masonry. The masonry pilasters have wall mounted light fixtures and blade signs in most locations, which would compete or interfere with a continuous canopy. Also the steps in the façade developed to create the corner public plaza and the increased height at the entry canopy make continuous canopies very difficult to achieve. The Board supports this departure along Virginia Street, but stressed that weather protection for pedestrians is critical in this climate, especially along Third Avenue which experiences substantial pedestrian activity. **Therefore, the Board recommended approving the departure request along Virginia Street, but recommended denying the departure request along Third Avenue. Continuous overhead weather protection shall be provided along Third Avenue.** (See Board recommended condition #2 above for further discussion of the canopy design). (per Guidelines B-4, C-1, C-5)

SUMMARY OF BOARD'S FINDINGS AND RECOMMENDATIONS

At their final meeting on December 12, 2006, the Board indicated their support for the project based on the development of their project using the design guidance from City of Seattle's "*Design Review Guidelines for Downtown Development, April, 1999*". The Board indicated that after considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members in attendance recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design. The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the December 12, 2006 public meeting and the subsequent updated plans submitted to DPD.

- 1. The Board recommended that the applicant work with Staff to study the exterior lighting at the top of the building. Lighting should be non-offensive to penthouse residents while providing a "soft glow" at the top.**
- 2. The Board encouraged the applicant to work with DPD to provide further canopy and lighting details along the ground level retail, as well as at the entry corner.**
- 3. The Board recommends that the applicant work with Staff to explore the charcoal brick and determine whether it should be lighter in value.**
- 4. Generally, the design concept presented to the Board shall be built as proposed or otherwise amended through consultation with DPD Staff.**
- 5. The Board recommended that the applicant work with DPD to enhance the residential character of the lobby use at the street level.**
- 6. The Board encouraged the applicant to consider raising the 9th floor height to increase ceiling in the common recreation rooms and study the separation between base and tower.**
- 7. The Board recommended that the design should provide additional landscaping at the 43rd floor open space.**
- 8. The Board is interested in exactly how the parking screening will appear based on the mesh design proposed. The Board recommends that the applicant work with Staff to provide details and sections of the parking screen and consider how it will be illuminated.**

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Third Avenue and Virginia Street and within the Belltown community, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote interesting design.

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 DPD Director's decision reads in part as follows:

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

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

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

Four members of the Downtown 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 well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

In developing their guidance for the project, the Board prioritized guidelines aimed at further refining and developing the street level design and uses. Further, the Board supported the applicant's request for a departure from street level uses based on the quality of the street level uses provided. Part of the recommendations of the Board included that maximum transparency along the street be maintained. Given the reduction in street level retail use, the prominence of the corner lobby function and the Board and community's interest in enhancing interaction between the public and private spaces for pedestrian interest, safety and activity, additional assurance that this space is visible from the sidewalk is necessary. While no condition was specifically recommended by the Board in support of their interest in encouraging transparency, the Director finds that an additional condition of approval on the design is warranted.

Two guidelines specifically relate to maintaining and activating the streetscape with appropriate street level uses. These guidelines are as follows:

C-1 Promote pedestrian interaction.

Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

C-3 Provide active—not blank—facades.

Buildings should not have large blank walls facing the street, especially near sidewalks.

To ensure that the lobby area meets the Board’s guidance, the intent of these guidelines and in order to maximize visibility of the active lobby space, the following condition shall be imposed:

9. For the life of the project, no opaque window coverings shall be allowed over any windows at the corner lobby space.

The Director strongly supports the revised plans that show alley access, as opposed to access from Virginia Street. A curb cut on Virginia Street, proposed immediately next to the alley, would have significantly disrupted the pedestrian flow and created a blank gap along the street level where the garage door would be located. Preserving and enhancing pedestrian safety and activity along the sidewalk level is identified as a priority in several design guidelines (C-1, C-2, C-3, C-5 and D-3); alley access successfully responds to these guidelines. Alley access is also supported by the Belltown Community’s urban design objectives to encourage dynamic pedestrian environments. Furthermore, the Seattle Department of Transportation prefers alley access to better accommodate existing transit service, as well as future anticipated traffic operations and transit service changes.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Downtown. 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, as well as the additional condition listed above.

Director’s Decision

The Director finds that the conditions of approval on the design recommended by the Board are warranted. In developing their guidance for the project, the Board prioritized guidelines aimed at further refining and developing an active and vibrant street level design.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle’s “*Design Review Guidelines for Downtown Development, April, 1999*”. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review

Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, 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 (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes proposal in January 2005. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in several downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the new DMC 240'/290'-400' zoning district and the environmental impacts of a height increase to 400 feet at the project site were adequately evaluated as part of the non-project FEIS. DPD determined that for SEPA compliance associated with the subject site, it is appropriate to adopt the Downtown EIS and prepare an EIS Addendum to add more detailed, project-specific information. DPD determined that the EIS Addendum should address the following areas of environmental impact:

- Land Use
- Public View Protection and Shadows
- Traffic and Transportation
- Construction

DPD has identified and adopts the City of Seattle's Final Environmental Impact Statement dated January 6, 2005 prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposal impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the Downtown FEIS. Accordingly, the Notice of Adoption and Availability of Addendum was published in the City's Land Use Information Bulletin on November 16, 2006. A copy of the Addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project. As referenced, the Addendum prepared for this project included an analysis of the project impacts disclosed above.

A. Long Term Impacts Identified in the Downtown EIS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the Downtown EIS.

Land Use

SMC 25.05.675J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the land use element of the Seattle Comprehensive Plan. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

The Downtown EIS included an analysis of how the code changes were consistent with land use policies based on impacts disclosed in the Downtown EIS. The Addendum analyzed applicable development standards in the land use code and the zoning for the site and the surrounding area. In addition, impacts on height, bulk and scale were analyzed. The new codes addressed in the Downtown EIS create incentives to encourage density that can be accommodated in taller, more slender buildings. The design review process conducted in conjunction with the proposed development is intended to mitigate the land use impacts for height, bulk and scale. The architecture and urban design features of the proposed structure are described in the aforementioned Design Review portion of this report and are summarized in the Addendum. Therefore, the department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

Public View Protection and Shadows

SMC 25.05.675.P requires that the Director assess the extent of adverse impacts on public views and the need for mitigation. The Addendum provides an analysis of view impacts to designated parks, landmarks, public places, skyline views and scenic routes as a result of the proposed development. The proposed structure is not anticipated to affect views of the mountains, downtown skyline or major bodies of water from designated public places, including Four Columns Park, the closest viewpoint that could potentially be affected. The proposed building is also not anticipated to block public views of identified historic landmarks from designated locations. Finally, the proposed structure is not anticipated to affect views of the Space Needle from the Viaduct, Interstate 5, the downtown skyline or other designated viewpoint location. The proposed action would affect cross-site views from residential dwellings and office buildings located proximate to the subject site. However, private views are not protected by City regulations.

SMC 25.05.675.Q requires that the Director assess the extent of adverse impacts of shadows on designated downtown open spaces and the need for mitigation. The analysis of sunlight blockage and shadow impacts is limited in the downtown and mitigation may only be required for Freeway, Westlake,

Market (Steinbrueck), Convention Center and Kobe Terrace parks. Due to the increased building heights contemplated in the Downtown EIS, shadows will increase; however, additional shadowing of any of these downtown parks is not expected to change significantly. A shadow analysis was prepared for the Design Review Board meetings that considered shadow impacts from weather, building height, width and façade orientation; and the proximity of other intervening structures, topographic variations and significant landscaping. None of the downtown parks identified in the SEPA policy would be shaded by the proposed development.

No shadowing impacts will occur on any of the public open spaces identified in the SEPA policy, including the closest ones at Westlake or Steinbrueck Parks. Accordingly, no mitigation is necessary.

Traffic and Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic and transportation and the need for mitigation. The Downtown EIS analysis considered the direct, indirect and cumulative impacts of that proposal and alternatives as they relate to the overall transportation system. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The Traffic Impact Study, completed by Transportation Engineering NorthWest (May 2006) and referenced in the Addendum found that the proposed project is estimated to generate approximately 119 trips during the AM peak hour and 130 trips during the weekday PM peak hour. The study examined four intersections in the project vicinity and found that during the PM peak hour, all of the signalized study intersections are anticipated to operate at Level of Service B or better by 2009 with or without the project.

In Downtown zones, there are specific code provisions addressing impacts to the street system and specific mitigating measures that are available for residential projects. For residential projects, these measures are limited to the use of signage, the provision of information on transit and ride-sharing programs and bicycle parking.

The proposed development will provide parking for 364 vehicles, all of which are accessed from the alley. No parking for residential uses is required downtown. Based on current market studies in downtown Seattle, peak parking demand for urban downtown apartments is estimated at 0.7 to 0.8 stalls per unit. The proposed project is providing approximately 0.79 stalls per unit, plus 25 spaces for the hotel rooms. Therefore, it is anticipated that the proposed parking supply will adequately accommodate the projected parking demands.

B. Additional Impacts Not Identified in the Downtown EIS

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the Downtown EIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. The area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600.D3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the Downtown EIS.

Short—Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

The Addendum includes a series of measures to mitigate noise, vibration air quality and traffic impacts associated with work in the downtown area. These include limiting hours of most construction work to between 7:00 am and 6:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturdays, ensuring nighttime activities do not exceed noise ordinance limits, limiting high noise impacts to between 7:00 am and 5:00 pm on weekdays. Other mitigation measures include reducing or limiting vibrations, using sound barriers and other methods to reduce impacts on adjacent structures, developing truck haul routes and processing certain materials off-site. Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are also included, specifically the development of a truck hauling plan, use of structured parking facilities for construction parking, staging of trucks outside of the downtown area, maintaining pedestrian walkways and sidewalks during construction, with temporary closures and covered walkways if needed.

Accordingly, the project is conditioned to implement all mitigating measures outlined in the Addendum related to mitigation of Construction impacts through the development of a Construction Management Plan addressing access to the site during construction, noise mitigation efforts, vibration mitigation efforts

and other features to address impacts related to construction activities. In order to preserve the existing level of services and functions that occur along the alley, the following mitigation goal shall be included in the Construction Management Plan, as well as measures to meet this objective:

1. The alley shall be kept clear of construction parking, storage, debris or other non-essential construction related activity, other than normal circulation and delivery activities typically associated with alley functions. The Plan shall detail those limited circumstances when it is essential for the alley is to be used for construction activities, and shall provide for advance notice to adjoining properties when such activities are to occur.

Long Term Impacts

Solid Waste and Recycling

Currently, the alley abutting the project is home to solid waste and recycling containers for a number of commercial uses in the immediate area. The use of the alley for these facilities has been a long standing feature of the Marshall Building, across the alley from the subject site. Given the age of the Marshall Building, their dumpsters cannot be accommodated within the building. Due to the changes to the alley as a result of the alley access, the project is conditioned to require a plan to address potential modifications to existing locations of solid waste and recycling facilities along the alley or other alternatives for accommodating solid waste and recycling facilities. These modifications shall strive to maximize the shared uses of the alley. The plan will be reviewed and approved by DPD, in conjunction with Seattle Public Utilities and SDOT.

Street Improvements

The Department of Transportation provided the following comments on the Addendum regarding street trees, which shall be made conditions of the project:

2. On Third Avenue, remove existing three Honeylocust trees. Three weeks prior to their removal, project proponent shall coordinate with Bill Ames (SDOT Forester) regarding public notification and tree removal permits. Allee elm will be the replacement trees; hopefully there will be room for four trees (6 feet x 6 feet planters or longer).
3. On Virginia Street, the new street trees should not include grates or electrical outlets in the tree planters. The tree planters should be five feet wide and eight feet long to provide additional vegetation.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance

1. The Board recommended that the applicant work with Staff to study the exterior lighting at the top of the building. Lighting should be non-offensive to penthouse residents while providing a “soft glow” at the top.
2. The Board encouraged the applicant to work with DPD to provide further canopy and lighting details along the ground level retail, as well as at the entry corner.
3. The Board recommends that the applicant work with Staff to explore the charcoal brick and determine whether it should be lighter in value.
4. Generally, the design concept presented to the Board shall be built as proposed or otherwise amended through consultation with DPD Staff.
5. The Board recommended that the applicant work with DPD to enhance the residential character of the lobby use at the street level.
6. The Board encouraged the applicant to consider raising the 9th floor height to increase ceiling in the common recreation rooms and study the separation between base and tower.
7. The Board recommended that the design should provide additional landscaping at the 43rd floor open space.
8. The Board is interested in exactly how the parking screening will appear based on the mesh design proposed. The Board recommends that the applicant work with Staff to provide details and sections of the parking screen and consider how it will be illuminated.

For the Life of the Project

9. No opaque window coverings shall be allowed over any windows at the ground floor lobby space.

Non-appealable Conditions

10. As proposed, the architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, B-1, B-3, C-1, C-3, and D-3 including:
 - a) integrated signage;
 - b) exterior light fixtures;
 - c) focal artwork at corner lobby space;
 - d) ground level landscaping;
 - e) during evening hours, a lit common recreation room at the 43rd floor;
 - f) building materials; and
 - g) large, transparent storefront windows at ground level.
11. The alley façade design shall remain as presented at the Final Recommendation Design Review Board meeting. (C-6)

12. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner or by the Design Review Manager. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
13. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
14. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
15. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

CONDITIONS - SEPA

Prior to the Issuance of the Demolition and/or Shoring Permit

16. The applicant shall submit for review and approval a Construction Management Plan to address mitigation of impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project.

During Construction

17. The project shall implement all mitigating measures for construction related impacts identified in the Addendum and contained in the Construction Management Plan.
18. The Construction Management Plan shall also include the following statement (and provide implementation measures to ensure its compliance): "The alley shall be kept clear of construction parking, storage, debris or other non-essential construction related activity, other than normal circulation and delivery activities typically associated with alley functions." The Plan shall detail those limited circumstances when it is essential for the alley is to be used for construction activities, and shall provide for advance notice to adjoining properties when such activities are to occur.
19. On Third Avenue, remove existing three *Honeylocust* trees. Three weeks prior to their removal, project proponent shall coordinate with Bill Ames (SDOT Forester) regarding public notification

and tree removal permits. *Allee elm* will be the replacement trees; there should be room for four trees (6 feet x 6 feet planters or longer).

20. On Virginia Street, the new street trees should not include grates or electrical outlets in the tree planters. The tree planters should be five feet wide and eight feet long to provide additional vegetation.

Prior to Issuance of Certificate of Occupancy

21. The applicant must develop a plan to address potential modifications to existing locations of solid waste and recycling facilities along the alley or other alternatives for accommodating solid waste and recycling facilities. These modifications shall strive to maximize the shared uses of the alley. The plan will be reviewed and approved by DPD, in conjunction with Seattle Public Utilities and SDOT.

Non-appealable Condition - Prior to MUP Issuance

22. Project #3003187 shall contain bonus residential floor area pursuant to SMC 23.49.015. Prior to issuance of the MUP, the applicant shall enter into a voluntary agreement to mitigate impacts of the bonus development. Such agreement may be in the form of a letter, subject to approval by the Seattle Office of Housing. The letter will need to describe how affordable housing impacts associated with the bonus will be mitigated: performance option, payment option, or combination; and payment calculation and date (see .015 B.1.b and .015 C); or performance housing details: floor area calculation (see .015 B.1.a and .015 D), ownership, location, income & affordability, amount & terms of any financial contribution by applicant to the affordable housing owner, date when final Certificate of Occupancy for the low-income housing was or is anticipated to be issued, and calculation of initial and annual monitoring fees (.015 B.6) and estimated date of initial year of compliance.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file) Date: March 1, 2007

Lisa Rutzick, Land Use Planner
Department of Planning and Development
Land Use Division