City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3003307

Applicant Name: Warren Pollock of Mulvanny G2 Architects

Address of Proposal: 802 Seneca St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one 25-story building containing 285 residential units and 1,325 sq. ft. of retail and one 9-story building containing 25 residential units, both over a five-story parking base for 315 vehicles. Project includes demolition of two existing structures. Project also includes Special Exception.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

Development Standard Departures to reduce amount of required open space at grade (SMC 23.45.074.A and SMC 23.45.074.B1, B3).

Development Standard Departures to place proposed open space more than 37 feet above grade (SMC 23.45.074.A.2, 23.45.074.B1, B2, B5, and 23.86.018).

Development Standard Departures to reduce rear setbacks to allow loft level units at the rear property line (SMC 23.45.072.B and SMC 23.86.012).

Development Standard Departures to provide less than the required side setback (SMC 23.45.072.C1 and SMC 23.86.012).

Development Standard Departures to increase maximum building width and depth (SMC 23.45.068, 23.86.016 SMC 23.45.068, 23.86.016, 23.45.068.A3, 23.86.014.

Development Standard Departures to decrease required modulation (SMC 23.45.070 and SMC 23.86.020).

Development Standard Departures to reduce required front setback (SMC 23.45.072A2, A3b, A3c, and 23.86.012).

Development Standard Departures to reduce required setbacks between the tower and the loft buildings (SMC 23.45.072. D1 and SMC 23.86.012).

Development Standard Departure to allow parking at the street level at the 8th Ave facade (SMC 23.45.076.C2).

Special Exception to authorize additional height in return for public open space and contribution to a historic landmark (Section 23.45.066 B and Section 23.76 SMC) (80 feet); request increase from 160' to 240 feet.

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

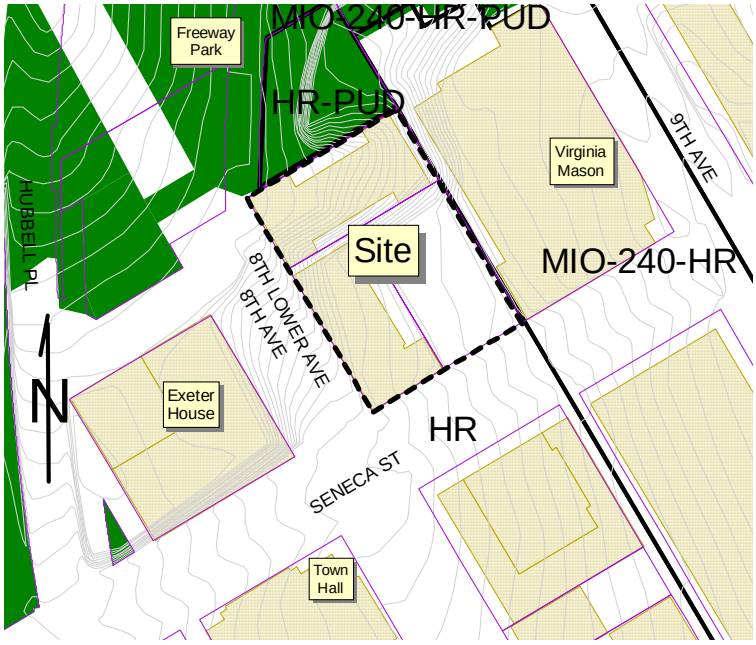
[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

SITE & VICINITY

The 23,000 square foot corner site is located on the corner of Seneca St and 8th Avenue in the Highrise (HR) zone. Two older masonry residential buildings and one surface parking lot are currently located on site.

The site slopes heavily downhill to the northwest. Freeway Park is adjacent to the north side of the site. I-5 is located approximately one block to the west.



PROJECT DESCRIPTION

The proposal includes demolition of the existing buildings and the construction of a mixed use residential and retail building with structured and underground parking over three parcels. The two buildings would be located on a podium that is level with Seneca St.

The southern tower would reach 240 feet above grade and would include residential units, a residential lobby, resident amenities, and retail accessed from Seneca St. A rooftop terrace would be located on top of the 25-story structure. A porte-cochere would be located at grade at Seneca St, to provide a vehicular drop-off area for residents.

The northern building on the podium would include residential stacked townhouse-style loft units adjacent to the northwest property line, with a rooftop terrace. This building would be considerably lower than the tower, reaching only about 87 feet above the podium level.

The podium would provide a level walking surface connecting the sidewalk at Seneca St to Freeway Park via an elevated structure. Parking would be accessed from the lower portion of 8th Avenue.

The two structures would contain a total of 1,325 square feet of commercial space, 285 residential units, and 315 underground/structured parking spaces.

PUBLIC COMMENTS

Public notice of the proposal was issued on June 29th, 2006 and August 3rd, 2006. 42 public comments were offered during the review period, either in writing or at the design review meetings.

I. DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES:
EARLY DESIGN GUIDANCE MEETING (MARCH 15, 2006)

At the Early Design Guidance meeting held on March 15, 2006 and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project:

A-1 Responding to Site Characteristics
A-3 Entrances Visible from the Street
A-5 Respect for Adjacent Sites
A-7 Residential Open Space
A-8 Parking and Vehicle Access
A-10 Corner Lots
B-1 Height, Bulk, and Scale Compatibility
C-1 Architectural Context
C-2 Architectural Concept and Consistency

D-2 Blank Walls
D-5 Visual Impacts of Parking Structures
D-7 Personal Safety and Security
E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
E-3 Landscape Design to Address Special Site Conditions

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY (AUGUST 2ND, 2006)

On August 2nd, 2006, the Capitol/First Hill/Central Area Design Review Board convened for a Final Recommendation meeting. Additional packets and display boards including a model, perspective sketches, revised design departure requests, site photos, site plans, sections, pedestrian environment details, elevations, materials and colors, floor plans, and landscape plans were presented for the Board members' consideration.

DESIGN PRESENTATION

Warren Pollock and Tibor Nagy of Mulvanny G2 gave the applicant presentation. They explained that the design had evolved as a result of meetings with the neighbors of the project, Department of Planning and Development (DPD), the Parks Department, and Freeway Park Neighborhood Association. Refinement of the design included the following:

- The materials terracotta, concrete, silver painted mullions, and glass were chosen to reflect the context of nearby buildings.
- The curve of the tower on Seneca St is intended to reduce the impact on privacy to adjacent residential buildings (Park Tower to the south) and improves the visual appearance of the structure.
- The Seneca St porte-cochere would be lit from within and includes a back wall of side-lit sculptural glass.
- The retail space at the southwest corner would include some clerestory panels of blue and red glass.
- The proposal includes an elevated pedestrian connection across the podium to Freeway Park. This pedestrian connection would enter into a new plaza in Freeway Park at the base of Piggott Corridor. The applicant is working with the Parks Department and DPD to implement this connection.
- The garage façade on the lower portion of 8th Avenue would be finished in a combination of terracotta and concrete board form as found in Freeway Park. The garage entry has been located as close as possible to the north property line.
- The loft levels on the north side of the podium would be located at the property line to provide visual observation and increased security for the area below and Freeway Park to the north.
- The setback at the west side of the podium would provide additional privacy for Exeter House across 8th Avenue.

- The tower element would include several shades of glass, including clear vision glass and spandrel glass in natural green and dark blue, placed in a pattern corresponding to the use behind the glass areas. Approximately 45% of the façade would be composed of vision glass.
- The tower would include operable windows.
- The primary pedestrian entrance now faces Seneca St instead of east into the porte-cochere.
- The proposal includes more than the required amount of open space, but includes landscaping as would be required for the minimum amount of open space. The applicant wishes to provide additional hardscaped areas for active uses.
- There are now a total of 11 requested design departures.

PUBLIC COMMENT

Twelve members of the public signed-in at the Recommendation meeting. Comments generally praised the project. Comments included:

- The First Hill Improvement Association and the First Hill Community Council endorse the project and the connection to Freeway Park. The connection is consistent with the West Slope plan, which resulted from a City Design workshop.
- Future construction in this area will likely be of a similar scale and mix of materials. Several buildings currently in permit review or under construction include similar glass facades. The proposed materials and colors are in context with new First Hill development.
- Additional foot traffic, the connection to Freeway Park, and the proposed design will improve security in the area.
- The south facing glass façade may trap heat between the proposed tower and nearby. The south façade should include methods to reduce reflected heat and glare.
- The built product should reflect the materials and colors shown in the design recommendation meeting, and not fall prey to “value engineering” during permitting or construction.
- The pedestrian connection to Freeway Park is a big improvement for the safety and connectivity of the neighborhood.
- The curved tower façade at Seneca St is a positive aspect of the design.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the applicant met the identified design objectives.

A. Site Planning

A-1 **<u>Responding to Site Characteristics</u>. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

The Board commended the applicant for providing the physical pedestrian connection across the site to Freeway Park. The mix of materials for the garage levels and incorporation of some stepping in the podium levels is a good response to the grade changes at 8th Avenue. The placement of the loft level building on the north property line will enhance security in the driveway area below and nearby Freeway Park. The applicant provided shadow studies that demonstrate the net impact of the tower on existing shadow patterns is negligible. Overall, the Board felt that the applicant has done a good job of responding to site characteristics and the concerns discussed at EDG.

A-3 **<u>Entrances Visible from the Street</u>. Entries should be clearly identifiable and visible from the street.**

The applicant has revised the primary pedestrian entrance to face Seneca St instead of the porte-cochere, which the Board felt was an adequate response to this guideline.

A-5 **<u>Respect for Adjacent Sites</u>. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The Board noted that the proposed curve at Seneca St helps to mitigate the impact on privacy for adjacent residents, and is an acceptable response to this guideline.

A-7 **<u>Residential Open Space</u>. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The Board praised the applicant for working diligently with the Parks Department and DPD to provide the elevated pedestrian connection to Freeway Park. The proposed connection is a critical element in the success of the project. The applicant should ensure the connection is completed, and the landscaping provides both visual reference to Freeway Park and clear sight lines through the connection.

A-8 **<u>Parking and Vehicle Access</u>. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

The proposed vehicular entry at the north end of the west façade will assist in bringing activity and observers to the area under the 8th Avenue bridge, thereby increasing security. The Board noted that the north façade adjacent to the fire lane access for Horizon House should include vegetation or other methods to discourage graffiti and discarded materials.

A-10 <u>Corner Lots</u>. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The proposed retail space and entrance to the elevated pedestrian connection at the corner of 8th Avenue and Seneca St provides a pedestrian orientation at the corner. The upper stories of the tower include a terracotta wall that segments the corner of the building, concrete faced balconies at the corner, and a curving eroded area at the top corner of the tower. The proposed points of automobile access (parking garage at 8th Avenue and porte-cochere at Seneca St) would be located as far as possible from the corner. The proposal satisfies this guideline.

B. Height, Bulk and Scale

B-1 <u>Height, Bulk, and Scale Compatibility</u>. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

The Board noted that the north, west, and east facades present a mix of more substantial materials and glass that appear to be in context with existing nearby architecture. The variety of treatments on each façade of the building is a positive aspect. The glass wall at the south façade is a bold statement, and will include a varying pattern of clear vision and colored spandrel glass, which may provide sufficient variation to avoid the appearance of an unbroken glass wall. The applicant should work to minimize the impacts of glare and reflected heat where at all possible.

C. Architectural Elements and Materials

C-1 <u>Architectural Context</u>. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 <u>Architectural Concept and Consistency</u>. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Colors and materials should be shown on the MUP plan set. The recommended design approval is based on the proposed colors and materials shown in the design presentation, including the placement of the sculptural glass on the back wall of the porte-cochere. Any change to proposed colors and materials would require DPD approval and should not reflect a reduction in quality, durability, or visual interest.

D. Pedestrian Environment

D-2 **<u>Blank Walls</u>. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

D-5 **<u>Visual Impacts of Parking Structures</u>. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

In addition to the garage façade treatment mentioned in the response to A-1, the applicant noted that the proposed podium wall at the northwest corner would be approximately 20 feet tall instead of the previously proposed 38 feet tall. The Board noted that this is an improvement over the previous design, and the north façade should include vegetation and/or other methods to discourage trash and graffiti.

D-7 **<u>Personal Safety and Security</u>. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

The overall Board response was very positive in respect to safety considerations. The pedestrian connection to Freeway Park, the location of the loft level building at the north property line, and the placement of the garage entry to the north will all increase safety and security through "eyes on the street" and increased pedestrian activity at the street level. The Board felt the proposal provided a good response to this design guideline.

E. Landscaping

E-1 **<u>Landscaping to Reinforce Design Continuity with Adjacent Sites</u>. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

E-3 **<u>Landscape Design to Address Special Site Conditions</u>. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

The Board found the proposed landscape plans acceptable in terms of location and amount of landscaping. In addition to the landscaping shown on the plans, the applicant should provide plant material at the north wall of the garage levels and/or other methods to discourage litter and graffiti. Plant species through the entire project should be appropriate to each environment (rooftop, shaded areas, Freeway Park connection, etc).

RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the plans submitted at the August 2nd, 2006 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the August 2nd, 2006 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS for the project. (Authority referred in the letter and number in parenthesis):

1. Reduce the impact of glare and reflected heat at the south façade. The DPD planner will review and provide final approval of the design. (B-1).
2. Provide vegetation and/or other methods to discourage graffiti and littering at the north façade of the parking garage (D-5, E-3).
3. Materials and colors consistent with those presented at the design recommendation meeting (August 2nd, 2006) shall be shown on the Master Use Plan sets (C-1, C-2).
4. The elevated pedestrian connection to Freeway Park shall remain open 24 hours a day, 7 days a week, or as modified by the Seattle Parks Department to coincide with Freeway Park hours (A-1, D-7).

Response to Design Review Board Recommended Conditions:

1. DPD has reviewed the impact of glare and reflected heat at the south façade. The applicant has provided studies indicating that glare and heat at the street level of the south façade would be minimal. Glare impacts to a wider geographic area will be discussed in the SEPA section below.
2. The applicant has indicated that the north façade of the proposed structure would be separated from public access by an existing fence. An anti-graffiti coating would be applied to the surface of the parking structure at the north façade. The applicant has also stated that they are working with the property owner of the area adjacent to the north (Horizon House) to examine the potential for additional landscaping, replacement fencing, and/or additional structures.
3. Materials and colors have been shown in the MUP plan set consistent with those presented at the EDG and Design Recommendation meetings. This item will be addressed as a MUP condition.
4. This item will be addressed as a permanent MUP condition.

DEPARTURES

Departure Summary Table

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
1. Highrise – Open Space at ground level **SMC 23.45.074.A** **SMC 23.45.074.B1, B3**	Minimum 25%+ ground level open space; minimum dimension of open space; pedestrian access can't count as open space.	Provide only 19% open space at grade.	Most open space is provided above maximum open space height; 6% open space is provided as elevated pedestrian walkway.	Recommended approval, with the condition that the elevated pedestrian walkway is open to the public 24 hours a day, 7 days a week, or as modified by the Seattle Parks Department to coincide with Freeway Park hours.
2. Highrise – Open Space location **SMC 23.45.074.A.2** **SMC 23.45.074.B1, B2, B5** **SMC 23.86.018**	Open space located a maximum of 37' above grade, minimum dimensions of open space.	Locate most of required open space more than 37' above grade, some decks less than minimum dimensions.	Open space is provided on rooftops of loft level and tower, and balconies at stories 2-25. Project is able to provide much more than minimum open space, in areas more directly accessible and useful to residents.	Recommended approval
2. Highrise – Rear Setback Requirements **SMC 23.45.072.B** **SMC 23.86.012**	10' rear setback required up to 60' height; 20' rear setback above 60'.	Reduce the rear setback to zero.	Loft levels would be placed at the north property line to improve security in neighboring access area below and Freeway Park.	Recommended approval
4. Highrise – Side Setback Requirements **SMC 23.45.072.C1** **SMC 23.86.012**	Increasing setback with height.	Decrease setback at the west street side and decrease amount of side setback throughout.	The code requirements result in a 'wedding cake' building. The proposal provides additional setbacks where rational for views into Freeway Park, reduction of shadows, and increased setbacks to adjacent residential development.	Recommended approval
5. Highrise Structure Width and Depth **SMC 23.45.068** **SMC 23.86.016**	Maximum width and depth of 100' for areas above 37' in height.	Increase structure depth to 116 feet.	The building is less than maximum width at Seneca. Increased depth allows additional pedestrian walkway area adjacent to 8th Ave.	Recommended approval
6. Highrise Structure Width and Depth **SMC 23.45.068** **SMC 23.86.016**	Maximum width of 30' without modulation for areas 37' or less in height.	Allow 118' building width without adequate modulation on Seneca St.	The proposed width continues the street wall at Seneca St. and provides visual continuity with the building to the east.	Recommended approval

7. Highrise – Structure Width and Depth **SMC 23.45.068.A3** **SMC 23.86.014**	Areas above 37' in height limited to maximum 100' façade width.	Floors 5-8 would be 118' wide on Seneca St.	Proposed façade width allows continuation of the street wall and façade below.	Recommended approval
8. Highrise – Modulation requirements **SMC 23.45.070** **SMC 23.86.020**	Modulation shall be 4' minimum depth, 5' min. width, maximum unmodulated width of 30'.	Allow south and west tower facades to exceed 30' unmodulated width.	Proposed modulation pattern follows the character of the tower structure.	Recommended approval
8. Highrise – Front Setback **SMC 23.45.072A2, A3b, A3c** **SMC 23.86.012**	20' average front setback for areas not in retail use.	Allow 0 foot front setback for all areas on Seneca St.	Proposal allows continuation of the street wall and provides visual continuity with the building to the east.	Recommended approval
10. Highrise – Cluster Development Setback Requirements **SMC 23.45.072. D1** **SMC 23.86.012**	Interior setback: 16' for areas up to 60' from ex. grade, 20' for areas 61-90' from ex. grade, 28' for areas 91-120' from ex. grade.	Provide 22' between towers.	Proposal allows for more uniform configuration between buildings and adequate unit depths. Additional area on lot allows for pedestrian walkway area adjacent to 8th Ave.	Recommended approval, pending Fire Department and Building Code reviews
11. Highrise – Parking Location **SMC 23.45.076.C2**	Maximum 50% of floor area at grade may be parking.	Provide parking in more than 50% floor area at grade on 8th Avenue.	Slope at 8th Avenue makes retail or active pedestrian uses unreasonable. Elevated pedestrian connection and retail provided at podium level with Seneca; garage levels below adjacent to 8th Ave. grade.	Recommended approval

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

II. SPECIAL EXCEPTION—HEIGHT INCREASE

The applicant is seeking a special exception to increase height from 160' to 240'. The Director may authorize additional height up to a maximum height of two hundred forty feet as a special exception pursuant to Ch. 23.76, Master Use Permit. In order to qualify, the applicant must comply with certain provisions set forth in SMC 23.45.066 A.

23.45.066 B – Additional Height Permitted

The Director may authorize additional height up to a maximum height of two hundred forty (240) feet, as a special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. *The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and the casting of shadows on public places.*

   The applicant has provided shadow studies for March 21st, June 21st, and December 21st indicating shadows from the proposed height increase at 9am, 12pm, and 3pm. The applicant has also provided elevation drawings indicating the degree of view blockage. The applicant has demonstrated through shadow studies and elevation drawings that the proposed tower massing and placement would minimize blocked views from public places and minimize shadows cast on public places.

2. *If the provisions of subsection B1 of this section have been met, additional height above one hundred sixty (160) feet may be allowed in return for the provision of one (1) of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.*

   b. *Landscaped Public Open Space. When proposed highrise developments provide landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty (40) feet may be allowed according to the following provisions:*

      1. *Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.*

         The applicant has stated that they intend to keep the proposed connection to Freeway Park open 24 hours a day, 7 days a week, or as modified by the Seattle Parks Department. This has been included as a permanent MUP condition.

      2. *The open space may be provided on-site or in the immediate vicinity of the project.*

         The proposed open space will be provided on site. The open space will be a 15-foot wide connection from the southwest corner of the site at Seneca St, across the podium and the fire access below via an elevated bridge, to connect directly into Freeway Park near the base of Piggott Corridor.

      3. *The location of the open space shall enhance street-level activity by providing:*

A) *A focal point in a highly dense or active area; and/or*
B) *A unique amenity suited to the area and of public benefit; and*
C) *Better pedestrian access and siting of an existing public facility or historic landmark.*

The proposed open space would enhance the street-level activity by providing a direct public physical and visual connection from Seneca Street into Freeway Park to the north. The proposed siting of the open space will provide better pedestrian access to the existing public facility of Freeway Park. Freeway Park is also currently on the Department of Neighborhoods agenda for designation as an historic landmark.

4. *The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.*

   The proposed open space connection would be 15 feet wide and approximately 225 feet long, or 3,375 square feet in size. 2,685 square feet of this area would be on private property at 802 Seneca St. The remaining area would consist of the bridge across the fire access for Horizon House, and the approach into Freeway Park. DPD has determined that the proposed connection is a sufficient size to be functional and is contiguous with existing pedestrian pathways at Seneca St, 8th Avenue, and Freeway Park.

5. *The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.*

   The proposed connection will enhance pedestrian connectivity in the neighborhood and provide additional obvious connections between Freeway Park and destinations to the south of the Park. Proposed landscaping along the open space connection would reflect plant species similar to those in Freeway Park. A Freeway Park wayfinding device shall be required at the intersection of 8th Avenue and Seneca St to provide visual continuity with Freeway Park, as included in the conditions of MUP approval.

6. *Public open space and equipment located there shall be designed to provide safety and security for user groups.*

   Freeway Park plans and studies indicate that clear visual and physical connections into the Park will improve safety and security for Park users. The proposed open space connection will provide the necessary visual and physical connections to improve safety and security.

7. *The open space shall be designed so that its solar exposure encourages its use.*

The proposed open space connection would be located on the west side of the proposed structure at 802 Seneca St. The entrance is from the southwest corner of the podium, and approaches Freeway Park from the northwest corner of the podium. The proposed placement will receive more solar exposure than any alternative location on the site.

8. *Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.*

   Due to existing grade changes on the site, the proposed vehicular access to the structures at 802 Seneca St will be from the eastern area of the south façade, and the area below the podium at the west façade. Neither of these vehicular access points would conflict with the proposed open space connection across the top of the podium at the west façade.

9. *The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.*

   The entrance to the open space connection at 8th Ave and Seneca St will be adjacent to retail at the podium level, which will provide human activity in the open space area. The applicant is currently working with DPD and the Parks Department to create an approach into Freeway Park that will encourage human activity, with the possible addition of a concession area.

c. *Structures of Architectural and Historical Significance. Additional heights may be allowed when new multifamily developments preserve structures of architectural or historical significance, according to the following provisions:*

   1. *Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.*

      The applicant has proposed to contribute to the preservation of a designated historic landmark and proposes to add eighty (40) feet of additional height in exchange for this element (total building height of 240 feet).

   2. *The significant structure to be preserved may be located either on the project site or within the immediate vicinity.*

      The applicant has proposed to contribute to a designated historic landmark within the immediate vicinity, as conditioned below.

DECISION - SPECIAL EXCEPTION

The special exception increasing height from 160' to 240 feet is **CONDITIONALLY GRANTED**, subject to the conditions listed below.

III. SEPA

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated September 12, 2006), and supplemental information in the project file submitted by the applicant's agent. 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, 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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolistion and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition and transport will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. The proposed structures have gone through the Design Review process as noted above and have been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The south facing façade of this building will be composed of a glass curtain wall and will likely be visible from Interstate 5 northbound lanes. Washington State Department of Transportation has submitted comments indicating that there are concerns with reflected sunlight to the northbound lanes of I-5 and use of anti-reflective coating on glass areas of the building visible from I-5 is recommended. The applicant has noted that they will either provide anti-reflective coating on the south facing façade of the building, or provide a study indicating that glare and reflected sunlight from the south façade would not affect drivers on I-5. This potential impact is conditioned below.

Parking

There will be increased parking demand created by the project. Parking for 315 vehicles will be provided in structured and underground parking, which is more than the number required by code. Adequate parking is provided for the proposed project under the Land Use Code.

Traffic

The applicant has stated that the proposed development would generate a total of approximately 630 vehicle trips per day. The proposed development is immediately across I-5 from the downtown core and is subject to high volumes of existing traffic. The traffic analysis submitted by the applicant to DPD has been reviewed by the Transportation Planner and the anticipated number of vehicle trips has been determined not to have a significant adverse impact on the existing traffic patterns in this area. Thus, the noted traffic-related impacts are not considered significant and no further mitigation is warranted under SEPA (SMC 25.05.675.R).

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[**X**] 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 43.21C.030 2C.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SPECIAL EXCEPTION

Prior to MUP Issuance

2. The applicant shall demonstrate placement and details of a Seattle Parks Deparment Directional Sign, consistent with the Center City Wayfinding Design Specification, to be placed at the entrance to the open space connection at Seneca St. The Directional Sign shall include directional blades signs for the following landmarks in the noted directions: Freeway Park East Plaza (pointing north), Convention Center with logo (pointing north), First Hill hospitals (pointing east), Map and Information (pointing west), Freeway Park Central Plaza (pointing west), and Downtown Hotels (pointing west). The placement and details of this Direction Sign shall be shown in the final MUP plan set.

   Details for Directional Sign manufacturer can be obtained from the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Building Permit Issuance

3. The applicant shall include plans detailing the design and construction of the proposed open space connection to Freeway Park in the building permit plan set. The proposed connection design shall be one agreed upon by the Seattle Parks Department and approved by the Land Use Planner.

4. The applicant shall provide a signed and notarized letter of agreement between the subject property owner of 802 Seneca St and the representative for a designated landmark structure. The letter of agreement shall specify the amount to be contributed, the deadline for transfer of such funds, and a description of the use of these funds in preservation of the landmark structure. The landmark structure shall be within the immediate vicinity of the subject property at 802 Seneca St.

5. The applicant shall provide a signed letter of intent from the authorized respresentative(s) of Horizon House, indicating that Horizon House will be agree to placement of the proposed open space connection above Horizon House's fire access area between 802 Seneca Street and Freeway Park.

Prior to Building Permit Final Approval

6. Construction of the open space connection to Freeway Park shall be completed within one year of Certificate of Occupancy. The applicant shall submit a bond for one and a half times a good faith estimate for the design and construction of the elevated connection to Freeway Park, prior to Building Permit final approval, in order to ensure this construction. The Land Use Planner must approve the estimate upon which the bond amount is based. The bond will be for the purpose of ensuring that the elevated pedestrian connection is completed within one year after the Certificate of Occupancy is issued and ensuring that it is constructed according to the approved plans.

For the Life of the Project

7. The elevated pedestrian connection to Freeway Park shall remain open 24 hours a day, 7 days a week, or as modified by the Seattle Parks Department to coincide with Freeway Park hours. The open space connection shall be clearly marked with an approved City of Seattle Open Space marker, or other method approved by the Land Use Planner.

CONDITIONS – SEPA

Prior to MUP Issuance

8. The applicant shall either amend the plans to indicate anti-glare coating for all glass on the south façade, or provide a study demonstrating that glare and reflected sunlight would not significantly impact drivers on Interstate 5. A glare and reflected light study shall show reflected sunlight on I-5 between 6am and 9am on March 21st, June 21st, September 21st, and December 21st.

During Construction

9. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise 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. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Signature: (signature on file) Date: January 22, 2007
Shelley Bolser, Land Use Planner
Department of Planning and Development

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