



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: 3003439 (formerly 2304068)  
Applicant: Mark Ludtka, Architect, Callison Architecture for Touchstone Development  
Address: 2001 8<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 27-story administrative office with 32,000 sq. ft. of ground floor retail. Parking for 452 vehicles below grade to include short term parking on levels two and three. Project includes 50,000 cubic yards of grading and future demolition of existing structures. Addendum to Downtown Height and Density and Seattle Commons/South Lake Union Final Environmental Impact Statement prepared.

The following approvals are required:

**Design Review** - Chapter 23.41, (SMC)

**SEPA – to approve, condition or deny pursuant to 25.05.660** - Chapter 25.05, (SMC)

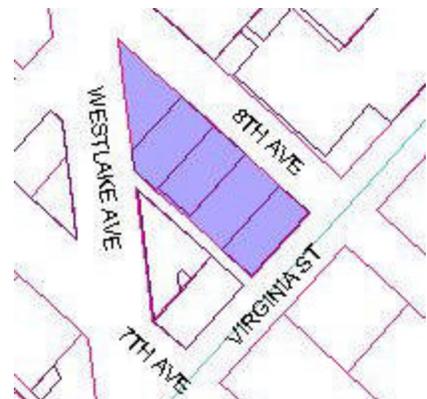
**Administrative Conditional Use** – Chapter 23.49.064 (SMC)

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [X] EIS\*  
[ ] DNS with conditions

\* An addendum to the Downtown Height and Density Changes and the Seattle Commons/South Lake Union EIS was prepared to add specific information on the impacts from the proposal and discuss changes in the analysis.

**BACKGROUND INFORMATION:**

The site is located at 2001 8th Avenue on a truncated half block with corners at 8<sup>th</sup> and Westlake and 8<sup>th</sup> and Virginia. An open alley borders the south side of the site. The site is a wedged shaped site with an acute triangle in the northwest corner of the site formed by Westlake Avenue and 8<sup>th</sup> Avenue. Currently there are two 3-story commercial buildings on the site housing office uses and a music store at the corner of 8<sup>th</sup> and Virginia, two surface parking lots, and a billboard all of which will be demolished. The site drops 15’ from Virginia Street to Westlake Avenue. The property is zoned Downtown Office Core 2 which has a basic height limit of 500 feet for non residential uses



(DOC2-500). The property is within the Denny Triangle sector of the Downtown Section of the Seattle Land Use Code and is within the Downtown Hub Urban Village.

The zoning south and for one block west of Westlake Avenue is DOC2-500 while north across Westlake Avenue and east of the site is zoned Downtown Mixed Commercial with a 240 foot height limit (DMC-240).

### **AREA DEVELOPMENT**

The site is located with its longest street frontage on 8<sup>th</sup> Avenue between Westlake Avenue and Virginia Street with an open alley on the west side connecting Westlake and Virginia. The corner at 7<sup>th</sup> and Westlake has an unusual amount of public ROW due to the number of streets intersecting which creates a very open area which extends north of Lenora by the current surface parking lot developments adjacent to 8<sup>th</sup> Avenue. The site is on the edge of the built- up part of Downtown with a number of new structures nearby to the south and west. The new 380' high Nakamura Federal Courthouse building is nearing completion immediately across Virginia Street and the new Seattle Police Department with the neighborhood Community Meeting room is immediately across 8<sup>th</sup> Avenue. A renovated, brick three story low-income apartment and a four story restaurant/retail use occupies the remaining portion of the block across the alley. Another renovated three story brick building with low-income apartments is directly across Westlake Avenue. The nearest landmark building is a block away at the northeast corner of 9<sup>th</sup> and Virginia.

### **EARLY DESIGN GUIDANCE**

The following four (4) meeting notes describe the project design development prior to its revision under the 2006 New Downtown Zoning Regulations (council bill 115524). The second recommendation meeting examined the revised application.

Four (4) early design guidance meetings were held for this project to receive early input from the board on design issues. The meetings were held on August 12, 2003, September 9, 2003, November 4, 2003 and December 9, 2003.

Mike Scott and Mark Ludtka of Callison Architects presented the project proposal for Touchstone Development. The applicant proposes a 20 story office building with about 300,000 square feet of office and about 20,000 square feet of street front retail sales and service uses. The conceptual design showed a proposed height of 280 feet. The design proposed approximately 440 parking stalls with up to 2 floors of short term parking at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels and 4 floors of below grade accessory parking. The design proposed providing street level uses on Westlake and on 8<sup>th</sup> Avenue, as required, but not on Virginia Street, which does not require street level uses in the Land Use Code. Vehicle access for office tenants will be off of Virginia Street via a curb cut and truck loading and trash removal will be off of the alley. The alley will be widened by a 2 foot dedication per the Land Use Code.

The architect cited a dozen design influences that have influenced the design concepts. These included the wedge-shaped site configuration, the Federal courthouse's street level loading and overall massing, the corner plaza and architecture of the new Police station across 8<sup>th</sup> Avenue, and the influence of the diagonal street layout in creating visual prominence of and views from the northwestern portion of the site at 8<sup>th</sup> and Westlake. The architect presented three

dimensional diagrams of the proposed structure, all of which showed the location of office tower component essentially pushed to the Virginia side of the site, with a lower one and three story mass stepping up from Westlake in the triangular end of the wedged site. The alternatives did explore three different design configurations for the upper floor.

The architect stated the objectives in designing the building character which included creating a well-proportioned vertical expression, providing transparency at the base to counterpoint the blank street frontage of the new Federal Courthouse, creating a base structure defining the Westlake street edge, providing a clear expression of entrance to the office from the intersection, creating an icon feature facing the Westlake corridor, and creating an indoor/outdoor expression of the lobby and the sidewalk. The solar exposure of the site was discussed, with the architect preferring to provide the required office-worker open space on top of the proposed lower building mass in the triangular portion of the site, citing good views to Lake Union.

#### Board Clarifying Questions and Comments

The Board determined that the applicant prefers the “Baseline” alternative over the other two options. Staff observed that no true tower location alternatives were presented such as pushing the massing toward the corner at 8<sup>th</sup> and Westlake. The Board observed that the preferred alternative presents an obtuse face to the Westlake corridor. They asked the architect to bring models to the next design review meeting to clarify the spatial relationships of the proposed building to surrounding development. The Board members present were generally in favor of the Virginia Street massing of the tower as shown in the “Baseline” alternative.

Dialogue with the architect clarified more details on the departure proposals (see summary of requested departures table below), including the fact that short term parking is not eligible for a public amenity bonus, since the Map 1N in the Land Use Code does not designate the site within the allowed area for that bonus and the location of Floor Area public amenities are not listed in SMC 23.41 as standards that are subject to modification or waiver by the Design Review process. There is a bus stop for the #17 bus on Westlake. The Board discussed the nature of the proposed vehicle access off of Virginia next to the alley and the architect showed examples of existing and new projects with entries adjacent to alleys.

#### Public Comments

There were 8 members of the public present. Comments included the following:

The existing low-income apartment building (the Westlake Hotel) across the alley is a 3-story brick building which has been recently renovated and restored. Many of the 53 units have windows facing the alley and the proposed structure. This building is significant in its status as a feature of the community and its character of several other brick buildings in the area. The proposed design should have design features and material finishes that are sympathetic to the Westlake hotel, including enclosing any parking adjacent to the alley, eliminating or minimizing noise from loading operations in the alley, and considering using light colors to allow reflected light into the windows facing the new building. Alternative massing that limits shadows on the Westlake hotel should be favored. The Hotel tenants use the Westlake sidewalk for sitting and open space and depend on catching the bus at the stop on the proposed site, so it is desirable for the new project to provide amenities such as good seating, overhead weather protection and low level planting and lighting to make the bus stop functional and attractive.

An operating principle for the new building design should be to provide a design that is sensitive to the Westlake hotel. The new building should maximize light and air to this structure, and should minimize negative impacts. Please show architectural character by using appropriate details, setbacks and massing.

What is the rationale for a departure from coverage limit area and maximum façade length? If departures are requested they need to show how the project better meets the guidelines set by the Board.

### Board Deliberations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines Downtown Development*" of highest priority to this project.

### ***Board Discussion first meeting***

The Board noted that the site is a gateway site when viewed from the north down Westlake. The Board discussed the pros and cons of the proposed setting back of the building mass from Westlake, leaving a 1-3 story triangular mass at the 8<sup>th</sup> and Westlake corner. One member noted that this configuration gives breathing room on Westlake, creating some spatial surprises for future streetscapes that he thinks is good...moving the massing of buildings in and out. Another noted that the structure at that corner needs to be more than one story, especially if there is an objective to create some sort of icon at the corner. The designers need to carefully consider options to create an icon with a smaller structure. The "prow" needs to be significant, in order to give that corner more presence. Staff noted that the minimum required façade height on Westlake is 35'.

Discussion ensued regarding the desired nature of the street level uses. The Board wanted to see active spaces that provided direct access and spaces that do not have large areas underground due to a single floor plate diving under the sloping 8<sup>th</sup> Avenue.

One member noted that having a bus stop on Westlake adjacent to the project presents a great opportunity to integrate the stop into the architecture of the new building and she wants the architect to develop design studies that show inclusion of seating, planting and overhead weather protection.

The Board discussed how the proposed building's roof would look viewed from above, noting the brutal top of the Federal Courthouse compared to the Metropolitan Towers well-integrated top.

One member commented that the design of the upper part of the building should be sympathetic to the angle and curve of Westlake and be responsive to the fact that the upper parts of this new structure will be available from a wide range of viewpoints. Studies should be done to explore ways to create diversity in the top. This building should be its own building, not just a knock off square box.

The Board noted how 8<sup>th</sup> Avenue is also a very exposed corner, and that the proposed building actually has a visual front door on Westlake and a virtual front door on 8<sup>th</sup>.

The Board generally agreed with the public comments that the designers must develop a design that successfully responds to the Westlake hotel residential windows across the alley including designing features that address shadows, and reflected light. Good design should be able to screen loading and trash removal in the alley.

#### Departure discussion

The Board commented that they were willing to continue entertaining the departures as outlined, but wanted to see initial design responses related to the departures. One comment was that the longer the façade proposed over the 120' maximum, the greater the texture that needs to be introduced. A member reiterated the request that the building should introduce more angles and curves to help it fit better into its immediate context.

#### DESIGN GUIDELINES August 12, 2003.

##### **Site Planning & Massing**

###### *Responding to the Larger Context*

###### **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.*

###### **A-2 Enhance the skyline.**

*Design the upper portion of the building to promote visual interest and variety in the downtown skyline.*

The Board chose these two as a high priority. The Board stated that the corner of Westlake and 8<sup>th</sup> is significant but that all massing should not be pushed into the corner. The design should have moderate massing at 8<sup>th</sup> and Virginia. The designers should return to the Board with additional studies of 8<sup>th</sup> and Westlake corner with the goal of creating an icon with a smaller structure. The prow needs to be significant, giving that corner more presence.

##### **Architectural Expression**

###### *Relating to the Neighborhood Context*

###### **B-1 Respond to the neighborhood context.**

*Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.*

###### **B-2 Create a transition in bulk & scale.**

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

###### **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 noted the above guidelines as high priorities. The Board reiterated that the design must treat the two corners on 8<sup>th</sup> as high priorities when developing the massing for those corners. The Board feels that is very important that the design provide a higher façade height at the 8<sup>th</sup> and Westlake corner, making a transition going around 8<sup>th</sup> Avenue with a higher façade.

This building should make some form of architectural statement from Westlake that acknowledges the prominence of Westlake and the angular nature of that end of the site. The

designers should strive to create a unified building so that it serves as the psychological front door of the building.

The designers should develop a design that successfully responds to the Westlake hotel with its residential windows across the alley. The design should have a light façade facing the Westlake Hotel to bounce light into these windows without glare. The design should include designing features that positively address sunlight and shadow potentials. Good design should be able to visually screen and acoustically attenuate proposed above grade parking as well as the loading and trash removal activity for those functions proposed in the alley. Shielded security lighting as well as low lighting should enhance the pedestrian use of the alley.

The bus stop should be developed to be integrated into the building design and have features in the ROW that accommodate multiple use, such as overhead weather protection, seating and landscaping similar to what the IDX Tower has installed on 3<sup>rd</sup> Avenue.

### **The Streetscape**

#### *Creating the Pedestrian Environment*

#### **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-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.*

#### **C-6 Develop the alley facade.**

*To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.*

The Board highlighted all of the above guidelines as being of highest priority for the design of this project. Under C-1, the Board wants to see a more detailed design study that integrates the bus stop into the design of the street level. The street level design should create a good human scale and should keep all street level uses within 1'-2' of sidewalk grade on Westlake and on 8<sup>th</sup> Avenue. The street level uses should have multiple at grade entrance opportunities. Under C-2, the Board wants the architect to develop a number of studies of potential building façade designs to be presented at the next Early Design Guidance (EDG) meeting. The architects should return with more graphics to show alternative façade designs for all sides of the building. The building should include multiple ways of entry and moving through the half block. The building should have substantial amount of overhead weather protection on 8<sup>th</sup> and Westlake. The Board reiterated that the building components facing the alley and above the alley should have well thought out lighting, light colored materials, and should direct exhaust and noise away from the Westlake Hotel.

## **Public Amenities**

### *Enhancing the Streetscape & Open Space*

#### **D- 1 Provide inviting & usable open space.**

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

#### **D- 3 Provide elements that define the place.**

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

#### **D-4 Provide appropriate signage.**

*Design signage appropriate for the scale and character of the project and immediate neighborhood.*

*All signs should be oriented to pedestrians and/or persons in vehicles on streets within the immediate neighborhood.*

The Board highlighted these guidelines as of highest priority in the design of this building, emphasizing the public aspect of the guideline, and noting that the public open space should be provided at the corner of Westlake and 8<sup>th</sup> Avenue. Private open space should maximize solar exposure and views toward Lake Union. Any public open space at street level should have signage appropriate for the scale and character of the Westlake Hotel and the area across Westlake.

## **Vehicular Access & Parking**

### *Minimizing the Adverse Impacts*

#### **E-1 Minimize curb cut impacts.**

*Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.*

#### **E-2 Integrate parking facilities.**

*Minimize the visual impact of parking by integrating parking facilities with surrounding development.*

*Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.*

#### **E-3 Minimize the presence of service areas.**

*Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.*

The guidelines above were all chosen by the board to be high priority. The Board thinks the project should provide vehicular access off of Virginia Street as opposed to off of the alley, and agreed with the proposal that utility access should be provided off of the improved alley. The project should not include open air ventilation of the proposed structured parking to create the most sensitive design to the Westlake Hotel.

### Early Design Guidance #2 – September 9, 2003

The Architect continued discussion and presentation of building form concepts on the site and possible code departure requests. Discussion of a flexible lobby/retail space at 8<sup>th</sup> and Virginia centered on perceived current needs and future retail viability at the corner. Other discussion included additional façade length above 120’, upper level coverage limits, curb cut, property line façade height required on Westlake and sidewalk width along 8<sup>th</sup> Avenue. The Board initially

supported the reduced sidewalk width along 8<sup>th</sup> and would consider offering a letter stating so to Seattle Department of Transportation (SDOT) personnel. More discussion on all of the above issues is expected at the next meeting. City light personnel requested anticipated power needs of the project as far in advance as possible for their power planning. Neighbors to the site requested continued consideration of the residential population in the building across the alley from the project. Departure requests are under study and will become more firm as the project progresses.

#### Early Design Guidance #3 – November 4, 2003

This early design guidance meeting was a continuation of discussion of pertinent massing, façade length, and lot coverage issues contemplated by the architect. Discussion is slated to become more focused on street front facades, full building facades, landscape concepts, building corners, and green street/blue ring treatments. The architect was seeking to gain insight on the Board's views on locating the building massing nearest to Virginia Street. The architect noted that there are positive implications for the northerly portion of the site in this scenario which the architect will begin to develop. The architect presented a possible façade alternative on 8<sup>th</sup> Avenue which would require a departure from maximum façade length larger than previously discussed. The architect showed further design development in the building top studies and anchoring elements to the sidewalk. Although Design Review Boards do not approve design departures during the design guidance phase, they can give general indications to the architect that certain departures seem plausible in the whole, or seem to need more development to connect their relevance to the priority design guidelines cited above.

Two members of the public offered comments. One member of the public suggested that a tower upon a parking garage should not be the end design result, provide overhead weather protection, and supply more exploration of architectural expression on the façades. Another member of the public (representing a possible tenant) mentioned that the additional façade length was an attempt to explore possible tenant floor configuration needs.

The three members of the Board in attendance offered suggestions to further explore façade length issues and requested further studies to see at the next meeting. The Board noted that the above grade parking should be screened with something other than horizontal louvers. They suggested more transparency on the 8<sup>th</sup> and Virginia corner, further explorations for the Westlake and 8<sup>th</sup> corner, streetscape, and landscaping.

#### Early Design Guidance #4 - December 9, 2003

The architect presented street level studies and further refinements to the building tower, tower to sidewalk connection and west tower façade configuration. The landscape architect presented open space concepts and landscaping and street level landscaping. The architect showed where sidewalk bulbs could be built and the sidewalk width per SDOT discussions. Public comments included a reminder that the Westlake Hotel has residents sensitive to noise and dust and request light and fresh air without exhaust from the building.

### **MASTER USE PERMIT**

The project proponents applied for a Master Use Permit (MUP) on December 30, 2003. The project received a Determination of Significance and an addendum to the South Lake Union / Seattle Commons Environmental Impact Statement (EIS) was made available to the public to review. See SEPA analysis below.

**RECOMMENDATION MEETING #1 March 9, 2004**

The Design Review recommendation meeting convened March 9, 2004 with introductions of the Board. All five members were present. The Architect briefly presented an overview of the project and presented the design response to the priority design guidelines listed above. The architect reviewed new design proposals on the west side of the building as requested by the Board at the last meeting, 8<sup>th</sup> Avenue pedestrian area, and tower window pattern and treatment. The architect reviewed the requested departures. The architect showed how the 2030 Westlake building would be incorporated into the base design if the landmarks Board nominated it as an historic building.

There were several comments from the public. Restraint in lighting and attention to possible glare on the west side near the alley should be carefully considered by the architect. Low level lighting is preferred along the alley. Fans and exhaust should not be located across from the Westlake Hotel.

**Board Recommendation:**

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been successfully addressed by the applicant. In addition, the full Board supported the departure requests. Therefore the full Board recommends approval of the project to the Director as shown in the drawings of March 9, 2004.

**Summary of Requested Departures – recommendation #1**

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Recommendation by Board</i>
SMC 23.49.078 B Maximum façade length above 125'	120'	175'	Approval
SMC 23.49.078 A Upper level coverage limits above 125 feet and 240 feet	40% coverage for both heights	50% coverage above 125' and 48% above 240'	Approval
SMC 23.49.018A Access to the site for parking	Alley access is preferred	Alley access for trucks only, with a curb cut on Virginia for cars	Approval
SMC 23.49.018 B Maximum Curb cut width for two way vehicle access	25' with combined truck and car access/egress	30'	Approval
SMC 23.49.008 C1c	at least 10 feet from property line	Less than 10 feet from property line	Approval

**MUP Revision**

The applicant revised the application to take advantage of changes in the New Downtown Zoning Regulations (council Bill 115524) which became effective May 12, 2006. At the time of the revision the project proposal was noticed with a rezone component to reflect the code allowance at the time of the revision. Once Council Bill 115524 became effective the rezone component was not needed for the proposal scope.

**RECOMMENDATION MEETING #2 April 11, 2006**

The Board convened the meeting to hear details on the revision of the MUP in light of the new downtown zoning regulations. The architect presented the area and project proposal. The major

change in the project scope is that the building will be seven stories taller which translate to approximately 100 feet taller. There will be five (5) levels of below grade parking and two (2) levels of above grade short term parking. The open space will be increase on the 4<sup>th</sup> floor due to the increased office floor area. The curb cut on Virginia Street is still proposed in part due to the truncated alley length, due to the city block configuration, loading berth needs and the vehicle parking ramps of below and above grade parking. The architect reviewed the building façade materials, design intent and the street level conditions. There were no public comments. The Board discussed the increased height and new departure requests.

**Summary of Requested Departures – recommendation #2**

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Recommendation by Board</i>
SMC 23.49.058 A2, B Max 155' from 66' to 160' 125' from 161 to 240' Max 100 from 241 to 450'	120'	175' on 8 <sup>th</sup> 110 on Virginia	Approval
SMC 23.49.078 A <i>Upper level coverage limits above 125 feet and 240 feet</i>	<i>40% coverage for both heights</i>	<i>50% coverage above 125' and 48% above 240'</i>	<i>Previous approval, not applicable with new code language.</i>
SMC 23.49.019H Access to the site for parking	Alley access is preferred	Alley access for trucks only, with a curb cut on Virginia for cars	Approval
SMC 23.49.019 H4 Maximum Curb cut width for two way vehicle access	25' with combined truck and car access/egress	30'	Approval
SMC 23.49.008 C1c	<i>at least 10 feet from property line</i>	<i>Less than 10 feet from property line</i>	<i>Previous approval, not applicable with new code language.</i>

**Board Recommendation:**

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been successfully addressed by the applicant, except for the continuous overhead weather protection requirement. The Board recommends that the architect work with the planner to include additional overhead weather protection on all street facades to create continuous coverage. One break at the corner of 8<sup>th</sup> and Virginia would be acceptable. In addition, the full Board supported the departure requests. Therefore the full Board recommends conditional approval of the project to the Director as shown in the drawings.

**ANALYSIS AND DECISION– DESIGN REVIEW**

The project has met the design guidelines and has been extensively reviewed by the Design Review Board. The project design is a response to its physical environment by massing the building nearest to the federal building and then stepping down to Westlake Avenue (A1). The upper portion of the building is interesting, discreet, and an appropriate form at this location (A2, B2). Desirable urban features of the Westlake green street, future street car, and widened sidewalk along 8<sup>th</sup> have received architectural expression appropriate to the urban element.

There will be additional site furniture, plants and overhead weather protection. The building will have visible retail uses and additional setback along Westlake (B1). The mass of the tower will not tower over Westlake, but give some “breathing room” for the much used avenue (B2). The pedestrian street on 8<sup>th</sup> will be widened and design elements will be installed along the block to encourage a sense of security for pedestrians (B1, C1, ).

The Board and the designers worked on several iterations of the building facades to create a building with four self-designed facades (C6). Facades are designed to reach from ground to top of building, thus avoiding a tower-on-plinth look. It is this vertical architectural design element that is allowed to break the overhead weather protection at 8<sup>th</sup> and Virginia (B4, C2, C3). The building entry is well-lit and covered, transparent and opens onto a city living room type of lobby (C4, C1).

Open space is located where it will receive the most light and air in this city condition. There is full and striving planting, seating, and focal amenities (D1, D3). There is signage appropriate for the uses (D4). As much as possible the architects have achieved a minimum of curb cut impacts, integrated the parking facilities and minimized the presence of service areas. In a building of this scale and program these service areas are important and located appropriately. There will be one curb cut near the alley, but no others on the project site (E1). The parking facilities will be accessed off of this one curb cut (E2). The loading and service area is a large area for this size of building and is located entirely off of the alley (E3).

The project meets the guidance given by the Board, has received a recommendation to approve departure requests and has satisfied requirements of the design review program. Board conditions on overhead weather protection have been addressed. Therefore the project is approved as shown in the drawings.

### **ANALYSIS – SEPA**

The Director of the Department of Planning and Development (DPD) has determined that the proposal is likely to have probable significant adverse environmental impacts.

DPD has identified and adopts the existing Downtown Height and Density Changes and the Seattle Commons/South Lake Union EIS and its SEPA analysis as being appropriate for the current proposal after independent review. DPD has determined that the proposal’s impacts have been adequately analyzed in the existing Downtown Height and Density Changes and the Seattle Commons/South Lake Union Final Environmental Impact Statement (prepared in 1995). The Seattle Commons/South Lake Union EIS meets DPD’s SEPA responsibilities and needs for the current proposal and has and will accompany the proposal to the decision maker.

An addendum to the Downtown Height and Density Changes and the Seattle Commons/South Lake Union EIS was prepared to add specific information on the impacts from the proposal and discuss changes in the analysis in the Downtown Height and Density Changes and the Seattle Commons/South Lake Union EIS. The addendum does not substantially change analysis of the significant impacts and alternatives in the existing Downtown Height and Density Changes and the Seattle Commons/South Lake Union EIS. However the proposal is likely to alter impacts on traffic and transportation and historic preservation. These two elements were further studied for this proposal.

An environmental impact statement (EIS) is used by agency decision makers to analyze environmental impacts, along with other relevant considerations or documents, in making final decisions on a proposal. The SEPA ordinance contemplates that the general welfare, social, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing project alternatives and in making final decisions. The EIS and supplemental documents provide a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA, because it provides information on the environmental costs and impacts.

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.

#### 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.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Storm water, 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 Clean Air Agency (PSCAA) 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.

#### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. However, there is no permit process to ensure that PSCAA will be notified of the proposed demolition. A condition will be included pursuant to SEPA authority under SMC 25.05.675 A, requiring a copy of the PSCAA permit be submitted to DPD before issuance of the demolition permit. This will ensure proper handling and disposal of asbestos, if it is encountered on the proposal site.

#### Noise

During the review period for the Environmental Impact Statement, concern was expressed by a member of the public concerning the amount of construction noise that would be generated by the project. The project is estimated to take approximately 24 months from the start of

demolition activities through the issuance of a Certificate of Occupancy. Due to lengthy construction schedules, control of noise impacts that could possibly affect both adjacent residential and commercial uses in the area appears warranted. While the City's Noise Ordinance (SMC 25.08) establishes maximum permissible sound activities that the project intends to adhere to, there is one major residential development near the project that may be adversely impacted by construction related noise. In addition, there are numerous commercial developments in the area that may be adversely impacted by noise generated throughout the construction schedule. Therefore, pursuant to the City's SEPA authority under SMC 25.05.675L, the applicant shall prepare 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 concerning likely impacts and mitigation efforts. The Plan may be incorporated into any Construction Management Plans required to mitigate any short term impacts that result from the project.

### Transportation

*Truck & Equipment:* Construction of the project will involve approximately 50,000 cubic yards of grading for the building foundation and subterranean garage. In addition to the activities involving the demolition of the existing structures, there will be construction to stabilize the site prior to construction of the building. These activities will take place over several weeks or months and generate significant truck trips. The Municipal Code (SMC 11.74.160) states that material hauled in trucks shall be loaded so no debris falls onto the street or alley during transport. This Code (SMC 11.62.060) also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to their destination.

The development site is bounded by Westlake Ave, Virginia Street, and 8<sup>th</sup> Avenue, all of which are downtown streets that have significant traffic associated with their use throughout the 24 hour time period. The activities at the development site include the demolition of existing buildings, and excavation of the site for the construction of a 27 story tower. These construction activities may generate adverse impacts, therefore pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. Accordingly, the applicant shall be required to submit a Construction Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation to mitigate these impacts. The plan shall identify management of construction activities including construction hours, construction worker parking, proposed truck haul routes, limits on truck hours and issues concerning street and sidewalk closures.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm water, Grading and Drainage Control, the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code

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 that are not considered significant.

### Energy

The project is subject to Director's Rule 3-87 concerning energy consumption as the project is over 50,000 square feet. It is estimated that the proposal would consume significant amounts of electricity. This project contributes to overall load growth for the region, and could have impacts on the environment associated with new generation projects. Adherence to Seattle Energy Code minimum performance levels should help to reduce maximum energy consumption and effectively mitigate impacts energy resources. However, the project proponent should consult with Seattle City Light on measures available through the "Energy Smart Design" program to further reduce energy consumption by the development. No mitigation pursuant to 25.05.675.E is warranted.

### Height, Bulk And Scale

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the land use element of the Seattle Comprehensive Plan for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Historic Preservation

A request by the applicant was made to the City's Landmark Preservation Board concerning the proposed demolition of the existing 2030 Westlake Building located on this site. As required under SMC 25.05.675, a project that proposes the demolition of a structure that could be considered as a Landmark must be referred to the Landmark Board for consideration if that project is subject to SEPA. The Landmark Board reviewed the building on March 17, 2004. The findings of the Landmark Board concluded that the building did not meet the criteria of a Landmark, as detailed in SMC 25.12. Accordingly, no further review is required.

### Transportation

The proposed project is expected to generate a net increase of 920 trips per day, 213 trips during the AM peak hour, and 170 trips during the PM peak hour. Most of the intersections in the immediate vicinity of the site would operate at good levels of service (LOS C or better) during both the morning and afternoon peak hours. The exceptions to this are the Stewart/Denny, Stewart/Yale and Denny/Aurora (east) intersections during the AM peak hour, and the

Howell/Yale intersection in the PM peak hour. The Denny/Aurora intersection is forecast to operate at LOS E both with and without the project. The other three intersections are forecast to operate at LOS F both with and without the project. The Project's impact to intersection forecast to operate at LOS E or F without the project would be small—less than 7 second increase. Therefore, the impacts of this project are in line with impacts already identified by the FEIS.

The proposed project would construct 452 parking spaces accessory to the proposed project and 106 for short-term principal-use parking available to the public. Short-term visitors to the building could use the short-term principal use parking as well as visitors to the new Federal Justice Center across the street which was constructed with limited on-site parking (only for judges).

At the LOS E and F intersection discussed above the lane configurations and signal phasing already have been optimized, and no further improvement at these intersection likely is feasible. To reduce the project's trip generation and thus minimize potential traffic and parking-related impacts, the project proponent will implement a Transportation Management Plan (TMP) for the building. The TMP will be consistent with the City's Director's Rule 14-2002. The single-occupant vehicle (SOV) goal for this TMP shall be 30%.

### **DECISION – SEPA**

DPD has determined that the EIS's referenced and utilized, along with the addendums, for the environmental analysis of this project and permitted herein, is adequate. Based upon the above analysis, the Director approves the application and has imposed mitigating conditions pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Short-term principle-use parking in the DOC2 zone requires a Conditional Use Permit under SMC 23.49.064. The criteria are listed below, with staff analysis:

#### **General Requirements:**

- 1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
- 2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements of conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use, if it determined that the negative impacts cannot be mitigated satisfactorily.*

The site is located in a transitional area, surrounded by commercial, residential and warehouse uses in smaller older buildings as well as new construction. New construction includes the Federal Justice Center and the Seattle Police West Precinct building. The area is also punctuated by surface parking lots. The proposal that is subject to this review calls for 106 short term parking spaces, in addition to those required as accessory to the uses proposed for the building. A Traffic Study was required and prepared by Heffron Transportation, Inc. January 22, 2004 and updated May 20, 2005.

The accessory parking for the building will be subject to a Transportation Management Plan (TMP - see SEPA analysis above). As the primary SEPA-based transportation concern is traffic and parking generated by long-term users (primarily employees) of the proposed project, the availability of short-term spaces is not likely to increase that impact, nor interfere with efforts to mitigate that impact (e.g. through a TMP). Other impacts that could be associated with the project, including the design and siting, will be mitigated by the accessory use parking being located entirely below grade and through the Transportation Section of the SEPA review.

Short term parking must meet the following criteria:

1. *Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the lot; and*
2. *The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes, and*
3. *The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.*

The proposed Westlake Plaza project, which would be located at 2001 8<sup>th</sup> Avenue in downtown Seattle, would include approximately 497,128 square feet of office space, approximately 32,164 square feet of retail space, approximately 452 accessory parking spaces, and approximately 106 principal-use parking spaces. The proposed principal-use parking would represent a net increase of approximately 80 parking spaces compared to the existing site. These principal-use parking spaces are proposed to provide short-term parking capacity for the project as well as other uses within the local site vicinity.

The City of Seattle's Land Use Regulations for Downtown Zoning provide criteria (SMC 23.49.066B.1-3) for the approval of principal-use short-term parking as a conditional use at any location. The following outlines the criteria and provides information to support approval of the proposed parking.

- 1) ***Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the lot.*** A transportation and parking impact analysis report was prepared for the project. The *Traffic Impact Analysis Westlake Plaza 718 Virginia Street MUP # 2304068* (Heffron Transportation, Inc., January 22, 2004 and updated May 20, 2005) outlined the anticipated traffic operational impacts of the proposed project. The principal-use parking spaces would generate 26 trips during the AM peak hour and 40 trips during the PM peak hour. These would be a small portion of the entire project's trip generation, which was estimated to be 258 and 260 trips in the AM and PM peak hours, respectively. The analyses determined that the overall project would not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area. Since the principal-use parking component of the project would generate less than 16% of the projected peak hour traffic, the parking component also would not have an adverse effect on traffic flow or circulation. The effect on traffic flow to and from Interstate 5 would also be small. The principal-use parking component of the project would add an estimated 4 trips to the southbound off-ramp at Stewart Street during the AM peak hour, and would add 4 trips to the southbound on-ramp at Yale Street during the PM peak hour. All other ramps would experience smaller increases in traffic. These are very small

increases in traffic given the very large volumes of traffic on routes destined to and from Interstate 5, and would not affect traffic operations.

Furthermore, the proposed project is located very near the new Nakamura Federal Courthouse (nearly completed and bounded by Stewart Street, Seventh Avenue, Virginia Street and Eighth Avenue). The Courthouse does not include any public parking for security reasons. As a result, the Nakamura Federal Courthouse will generate noticeable non-discretionary short-term parking demand within the site vicinity. Without the principal-use short-term parking proposed as part of the Westlake Plaza project, some of this parking demand will occur in other areas and will impact other existing short-term parking capacity. The proposed principal-use parking included within the Westlake Plaza project would improve local parking conditions.

- 2) **The vehicular entrances to garage are located so that they will not disrupt traffic or transit routes.** As outlined in the referenced traffic impact analysis, access to the Westlake Plaza parking areas would occur from Virginia Street. The access gate (ticket booth) for incoming vehicles using the principal-use short-term parking would be located about 160 feet from the curb on Virginia Street. This would provide ample queue space for vehicles entering the garage. Trips generated by the principal-use parking would represent about 10% of all trips entering the site's parking garage during the AM peak hour, and about 15% of all trips exiting the site's garage during the PM peak hour. The transportation analysis determined that the site driveways would not adversely affect traffic operations on Virginia Street. Traffic operations analysis performed for the driveway determined that turns from the driveway onto Virginia Street would operate at LOS C during the AM peak hour and LOS D during the PM peak hour. These are acceptable levels of service. The level of service at these driveways would likely be the same with or without the principal-use parking component of the project. The access driveway would be located on the north side of Virginia Avenue and would not disrupt transit service in the area.
- 3) **The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.** The Westlake Plaza project would include many improvements to the pedestrian environment. It would widen the sidewalk along the frontage on the east side of Westlake Avenue to 18 feet (it is currently 16-feet wide). The project proponent proposes to reconstruct the 12-foot sidewalk on 8th Avenue, which would match the sidewalk bordering the police station across the street. The project is proposing to construct curb bulbs that would extend into 8th Avenue at each end of the site. This would reduce the pedestrian crossing distance at these locations. The project would also replace the existing 12-foot sidewalk on Virginia Street. The project would eliminate three curb cuts along 8th Avenue; two that provide access to the existing surface parking lots, and one to a loading bay. When complete, there would be no curb cuts on 8th Avenue. The project would create one curb cut on Virginia Street to the site's above-grade and below-grade parking. The small amount of additional traffic expected to be generated by the short-term principle-use parking stalls would not substantially interfere with pedestrian circulation around the site.

As described above, the proposed Westlake Plaza project and its principal-use short-term parking component meet all of the criteria for approval under SMC 23.49.066B.1-3.

## **ADMINISTRATIVE CONDITIONAL USE - DECISION**

The request for an Administrative Conditional Use Permit for Principal Use Parking is **GRANTED**.

### **CONDITIONS – DESIGN REVIEW**

#### *Non-Appealable Conditions*

1. 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 (Holly Godard 206-615-1254). 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.
2. 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 built as shown. Any changes must be verified by the DPD planner assigned to this project (Holly Godard (206) 615-1254), or by the Design Review Manager. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

### **CONDITIONS – SEPA**

#### *Prior to issuance of any Construction or Grading Permits*

4. The applicant shall submit for review and approval 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. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project.
5. The applicant shall submit for review and approval a Construction Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation to mitigate these impacts. The plan shall identify management of construction activities including construction hours, worker parking, proposed truck haul routes, and potential street and sidewalk closures.
6. The owner and/or responsible party shall record with King County Department of Records and Elections a letter in a format similar to that in Attachment A of Director's Rule 14-2002 acknowledging the permit conditions related to the TMP requirements. To reduce the project's trip generation and thus minimize potential traffic and parking-related impacts, the project proponent will implement a Transportation Management Plan (TMP) for the building. The TMP will be consistent with the City's Director's Rule 14-2002. The single-occupant vehicle (SOV) goal for this TMP shall be 30%. A copy of the recorded document, showing the recording number, shall be filed with DPD prior to permit issuance and include the components indicated and referenced above in this Decision.

