



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**

<b>Application Number:</b>	3006283
<b>Applicant Name:</b>	Greg MacDonald
<b>Address:</b>	202 Westlake Avenue North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a six-story building containing 20,133 sq. ft. of retail at ground level (was 19,996 sq. ft.) with 111,329 sq. ft. of office (was 114,004 sq. ft.). Parking for 218 vehicles (previously 171) to be provided in four below grade parking levels. Three existing structures to be demolished. Project includes 30,000 cubic yards of grading.

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following two Code sections: SMC 23.48.019.D (Set-back of Required Street Level Uses) and SMC 23.48.014.C (Set-Back of Street Facade).

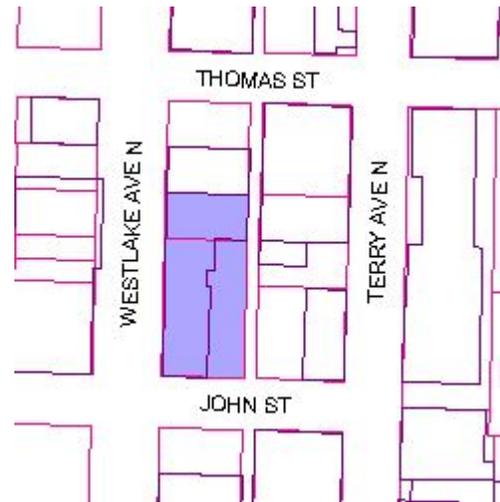
**SEPA - Environmental Determination** - Chapter 25.05 SMC.

**SEPA DETERMINATION:**       Exempt     DNS     MDNS     EIS  
  
    DNS with conditions  
  
    DNS involving non-exempt grading or demolition,  
   or involving another agency with jurisdiction.

## **PROJECT AND VICINITY DESCRIPTION**

The project proposes a six-story predominately office structure with four levels of below grade parking. Restaurant and retail uses are proposed for the street level.

The project site is located on the east side of Westlake Avenue North (Westlake Avenue) at the intersection of John Street in the South Lake Union neighborhood. The site dimensions are approximately 240 feet (along Westlake Avenue) by 108 feet (in depth) for an area of approximately 25,920 square feet. The site currently contains three one-story commercial structures. A north to south alley runs behind the site and connects John and Thomas Streets.



The site is in roughly the southeast corner of the Seattle Mixed zone with an 85-foot height limit (SM 85). Structure height can exceed the 85-foot height limit if at least two floor levels with minimum 14-foot heights are provided and the building would not exceed a total of seven levels. To the south across John Street the zoning remains SM but has a 125-foot height limit. To the east across the alley the zoning is Industrial Commercial with an 85-foot height limit (IC-85).

The South Lake Union area is an area in transition from the predominately low height commercial and light industrial buildings, such as on the subject site, to new four to six story office, residential, or bio-tech structures. This is reflected in the subject site's surroundings. The newly opened South Lake Union streetcar line runs past the site along Westlake Avenue.

### **Public Comment**

No comment letters were received during the EDG phase, during the MUP comment period or at the Recommendation meeting.

### **ANALYSIS - DESIGN REVIEW**

At the September 25, 2007 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and considered the four requested *Design Departures*. The Board's additional guidance and recommendations follow the EDG Guidance that is in *Italics*. The complete EDG and Recommendation reports are in the MUP file.

## **RECOMMENDATIONS**

### **A. Site Planning**

**A-1\* Responding to Site Characteristics.** 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.

**A-2\* Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

*The Board noted that Westlake Avenue is identified as a “Heart Location” in the SLU Design Guidelines. Heart locations serve as a perceived center of commercial and social activity and therefore have a high priority for public realm improvements. The opportunity to respond to the site’s Heart Location lies in the project responding to and supporting the pedestrian and public environment through:*

- *Further development of the presented building setback at the intersection of Westlake Avenue North and John Street, at the recessed and open building entry at the approximate center of the site, and with a full length of permeable and transparent retail uses along Westlake Avenue North;*
- *Continuation of the introduced two-story retail façade expression;*
- *Integration of an appropriate variety of the amenities listed in the Heart Location section of the SLU Design Guidelines, such as public art, special paving, landscaping, and curb bulbs; and*
- *Configuring the proposed retail frontage to allow the interior uses to “spill-out” onto the sidewalk.*

*The project team should work with the project planner in consultation with Lyle Bicknel, DPD Green Street planner, regarding appropriate special paving, street landscaping, etc.*

**Recommendation Meeting.** The design proposes having recesses at the central building entry, for the adjacent retail space to the north of this entry, and at the southwest corner retail area. The proposed design requires a Design Departure to allow the southwest corner retail facade to be set back 2-feet further than the Code allow maximum of 10-feet. The increased set-back is proposed to allow a more generous and usable plaza to reinforce the expanded and bulb-ed corner sidewalk and the creation of a “heart” location.

The Board feels the design presented largely responds to the guidance given. However, sufficient details of the design elements in the plaza that will support an active corner and set-back were not provided. Given the developer’s desire to have virtually full first and second level glazing at this corner, but not operable windows openings at the street level, the Board discussed the need for the addition of some combination of activity supporting elements, such as permanent seating, varied paving, landscaping, or a focal feature (such as water feature or art piece). Consequently, the Boards three members unanimously **Recommend** approval of the proposed design and *Design Departure* for a 2-foot increased set-back provided the plaza area is improved with one or a combination of these possible elements. The final response to this Recommendation shall be made in consultation with and approved by the project planner.

**A-4\* Human Activity.** New development should be sited and designed to encourage human activity on the street.

**A-10 Corner Lots.** Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

*The preliminary design concept that included an open and transparent retail frontage, recessed corner for an enlarged sidewalk area, and open and inviting central lobby should be continued. The further developed design should acknowledge the adjacent street car line and nearby stops within walking distance.*

*The preliminary design correctly places emphasis on its corner lot character by proposing to recess the building at this location. This area should be enlarged to assure that it can be more than a “wider sidewalk” and is an adequately sized space for pedestrian travel and lingering.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance, provided the Recommendations under A-1 above are followed.

## **B. Height, Bulk and Scale**

**B-1\* Height, Bulk and Scale Compatibility.** 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 the anticipated development potential of the adjacent zones.

*Whether the proposal contains an upper floor of residential use or not, the one (at a minimum) upper floor should be set-back similar to that presented in Schemes A and B. The setback should be shaped to not only reduce the building scale, but to provide modulation, preserve the size of the view corridor north along Westlake Avenue, and allow morning and afternoon sunlight to penetrate to the street level.*

*The design should also include façade articulation and the use of detailing, accent trim, and other appropriate techniques to achieve a visually compatible bulk and scale.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance.

## **C. Architectural Elements and Materials**

**C-1\* Architectural Context.** 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.

*The SLU Design Guidelines direct the design of new development to respond to the commercial and industrial historical architectural character of the Westlake Avenue area. The immediate project vicinity provides examples of old and new architectural character. The nearby Sellen and SBRI buildings, the under-construction Rollins Flats to the south, and the older adjacent Athletic Supply building are some worthy examples.*

*The project design should develop from and refer to the remaining worthy historical architectural character of the area. There is room for that expression to range from modern (the NBBJ headquarters to the east) to more traditional and masonry clad designs, such as the Sellen Building. The project architects should familiarize themselves with the design of the buildings not yet built but approved or nearing approval for further contextual cues. This further developed design should then be presented to the Board with an explanation of how it meets this guidance.*

*Second EDG Meeting. The brick northwest corner section with cornice responds to the abutting Athletic Supply building. However the cornice brackets / knee braces do not have an architectural precedent in the area and should be reconsidered.*

*Recommendation Meeting. The proposed design no longer includes cornice brackets. The Board feels the proposed design responds to this guidance.*

**C-2\* Architectural Concept and Consistency. 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 façade walls.**

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

*The Board is generally supportive of the similar architectural concepts presented in the three schemes. The building mass, as seen from Westlake Avenue, has three sections, two rectilinear “bookends” separated by a curvilinear middle section. The segmented massing and terrace derived set-backs could be the armature around which a finer developed architectural concept could be developed. The further developed design should:*

- *Tie together these upper level masses with the now seemingly unrelated first and second floor podium. One suggestion is the continuation of the middle portions curvilinear shape down to the lobby entrance area.*
- *Although a secondary street relative to Westlake Avenue, a similar approach should be given to the John Street façade.*
- *Regardless of the intended use for the upper level, this “fifth elevation” should be developed to be visually interesting.*
- *Look to local building forms and features for direction on materials.*

*Second EDG Meeting.* The presented design has an armature that can be developed into a coherent design through simplification and through better relating the three differently expressed sections along Westlake Avenue. The southeast corner and alley façade are additional sections with appropriate expression. To do this the design should:

- Continue the four story brick façade along the Westlake Avenue façade to where the proposed “chimney” element separates the SW corner section. Continuation of the proposed break for the central office entry is appropriate, or
- Continue the central curved glass curtain wall to the street level in place of the central two-story brick section. However, in light of the support for the pedestrian level provided by the brick façade, the removal of the brick at the sidewalk level may not be the best approach,
- Choose either a curved curtain wall (central section) or tapered (end section), but not both. A taper may be appropriate for two levels of the SW corner (floors 3 and 4) per the comments below.

The Board feels the southwest corner area has the potential to be a well-lit “jewel-box” that will effectively bring attention to the building and corner. However, the large white band between the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the Westlake Avenue façade and, on the south-side winding down almost to the street, is heavy and awkward. Its position proud of the curtain wall above and glazed lobby below exaggerates an un-relatedness between these levels and the adjacent sections. The further developed design should:

- Better integrate the white band into the corner expression,
- Continue the band to the sidewalk level on the south side,
- Lower the upper glazed extension of the curtain wall so it does not extend beyond the adjacent south-side corniced brick façade,
- If a tapered wall is still desired on this section, consider limiting it to the third and fourth floors before it returns to vertical to better blend into the adjacent SE brick section,
- Consider the extension of a more pronounced band at this tapered to vertical wall transition that will extend across the SE brick section. This could tie-in to the above four-story section along Westlake Avenue that may be extended per the guidance above,
- Provide true transparency for the two street-level windows on the south side of the SW building section.

The John Street southeast corner section is a nice continuation of the NW corner expression. The wrapping of it into the alley strengthens the design.

- The cornice, however, should also be wrapped into the alley for the length of this brick section.

The contrasting materials and extensive glazing for the alley façade is a positive direction. In keeping with aim of the simplification of the design expression, the brick pilaster element with mid-floor banding seems un-related to this wall and the building design as a whole and should be reconsidered.

Recommendation Meeting. The proposed design has made responses to the above guidance but continues the canted glass curtain wall on the south side of the southwest corner. A design without the canted façade was also presented for comparison. The applicants explained that they felt the removal of the taper detracted from the “jewel box” expression of the corner.

The Board noted the good design responses and the resulting stronger “parti”. However they also discussed the following ways the design is still making “too many moves”:

- The individual development of the building’s modern expression and “historical referential” expression along Westlake Avenue is strong, but the transition between each is muddled. The Board **Recommends** that the design should:
  - Remove the “zipper” of partial curtain wall / partial brick spandrel between the formal brick façade and the brick “chimney” element. This can be done by either making this area an all glass curtain wall, and possibly extending the large belt-course element above the corner’s second level across to this area, or extending the brick façade and cornice through this section to the “chimney”.
  - The “chimney” as a strong vertical dividing element is fitting. However, its expression would be stronger and compatible with the use of a different and more modern material and color.
  - The third floor spandrel line should be simplified from the current and varying wide brick (at the single-story window bays) and narrow white AEP Span type material (at the two-story window areas). The two story windows bays that use the narrow spandrel are an appropriate contrasting addition, but either the narrow or thick spandrel should be used, but not both.
- Because of the design changes, the continued inclusion of the canted partial south façade fits with the overall parti. However, the pronounced grid on the south side window framing should not be continued to the Westlake Avenue façade.
- East Elevation. The proposed extension of the brick pilasters beyond the brick cladding and into the area of metal siding creates an odd crenellation affect. The Board **Recommends** ending the pilasters at the same elevation as the adjacent brick. The intersection of the metal clad upper levels with the brick parapet and wall beneath is awkward. The Board **Recommends** the relocation of the second pilaster (from the north) from its current asymmetrical spacing to beneath or in line with this corner and removing the step in materials between the metal cladding and brick parapet.

**C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

*This is a high priority, although not a specific SLU Design Guideline. The above goals of this guideline should be applied in conjunction with the guidelines discussed above.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance.

#### **D. Pedestrian Environment**

**D-1\* Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.**

*Similar to Guidelines A-1, A-2, and A-4 above, the Board supports pursuing the pedestrian open space concept at the Westlake Avenue and John Street intersection. Curb bulbs at this corner would expand this capacity. In conjunction with the project planner, DPD's Green Street planner and SDOT (Seattle Department of Transportation), the architects should determine what is acceptable to the City and have this information available for the next meeting.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance provided the changes to the corner recommended in A-1 are made.

**D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

**D-9 Commercial Signage. Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.**

**D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial district evening hours.**

*Although not priorities at this time, or a part of the SLU Design Guidelines, the manner that these items will be addressed is important to the project design. The applicant's design team should be prepared for a discussion of the expected design and location of these items at the next Design Review Board meeting.*

#### **Recommendation Meeting.**

At the meeting it was not clear that a Design Departure was not allowed for the solid waste storage standards (a reduction from the required 21-foot clearance to 14.75-feet). The Board did consider this request based on the positive design impacts of a smaller loading area opening and was willing to **Recommend** approval provided the applicant submitted information to DPD showing how the proposed lower clearance would meet the intent of the Code requirement. The applicant should therefore provide the required information to the zoning review planner (see SMC 23.48.031.F).

The Board noted the importance to the project to pursue the size and location of the “chimney” mounted blade sign shown in the rendered drawings (page 5.1 of the Recommendation Meeting design packet), not the black and white elevation drawings (page 5.4 of the Recommendation Meeting design packet). The Board therefore ***Recommends*** the sign be located and extend approximately from floor Level 3 into Level 6, not a smaller sign located higher and extending between the middle of Level 5 to above the roof line.

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

*Meeting discussion about the impacts of complying with Green Factors requirements is no longer an issue, as noted in Planner’s Note above. However, landscaping should be considered along the street front, specifically in the street corner plaza concept. The design team should research what any street level landscape plans are for existing and upcoming Westlake Avenue developments and use this information to inform their corner / plaza and street front designs.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance provided the changes to the corner recommended in A-1 are made.

**E-2\* Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

*Landscaping should be integrated into the proposed above grade terraces and any opportunities afforded by the applicant’s intention to pursue LEED project certification.*

Recommendation Meeting. The Board feels the proposed design responds to this guidance.

**SUMMARY OF BOARD RECOMMENDATIONS**

The Board finds that the project design successfully responds to the design guidance given, with the recommendations outlined in this document. The applicant and architect shall make the recommended design changes in response to the design direction in this document and submit the required drawings to the project planner for review and approval.

**SUMMARY OF DEPARTURE REQUESTS**

<b>Land Use Code Standard</b>	<b>Proposed Amount of Departure</b>	<b>Applicant’s Rationale for Request</b>	<b>Board Recommendation and Director’s Decision</b>
<p><b>Street Level Uses.</b> Required street level uses must be located within 10-feet of the street property line. Westlake Avenue is a mapped Pedestrian Street requiring certain street level uses. (SMC 23.48.019.D)</p>	<p>The project proposes a “General Sales and Service” use at the structure’s southwest corner 12-feet back from the street property line.</p>	<p>The design guidance given directs the project to provide an ample sidewalk and plaza area at this corner “heart location”. An additional 2-foot setback will ensure this. See Guidelines <i>A-1, A-10, and D-1.</i></p>	<p>The Board recommended conditional approval of this request. The Director concurs.</p>
<p><b>General Façade Requirements.</b> A minimum of 70% of the Westlake Ave façade must be built to the street property line. (SMC 23.48.014.C)</p>	<p>A reduction of 57.5%. An average of 12.5% of the required façade would be built to the property line. At street level the remainder would be either approximately 2 feet from the property line or, at the main entry and corner, further back. The required percentage of the second and third level facades would also be approximately 2-feet from the property line.</p>	<p>The guidance directs the project to provide an ample sidewalk, entry area and plaza area at the corner “heart location”. The 2-foot setback at the street level will provide this. Continuing this setback through the upper level street facing façade is necessary for design continuity. The larger setback at the corner is necessary to respond to the guidance for creating a “heart location”. Guidelines <i>A-1, A-2, A-10, C-2 and D-1.</i></p>	<p>The Board recommended approval of the project design that relies upon this departure. The Director supports the inclusion of this departure.</p>

**DIRECTOR’S ANALYSIS AND DECISION – DESIGN REVIEW**

The Director of DPD has reviewed the *Unanimous Recommendations* of the three Design Board members present at the Recommendation meeting and finds that the Board acted within its authority and the Board’s recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings* and *South Lake Union Design Guidelines*.

The project planner received and reviewed the applicant's design responses to the Board's Recommendation Meeting Conditions January 24, 2008. The submitted responses did not completely address the Board's Recommendations. Consequently the applicants submitted additional responses on February 21, 2008. Following planner review the following design changes were made to the proposed design:

**A-1, A-2:** The site's corner at Westlake Avenue and John Street will include: a transition between the higher elevation of the John Street sidewalk and the entry plaza through the addition of stairs and planters; textured and/or colored concrete in the SW entry plaza area to create a visual separation with the surrounding public sidewalk and a connection between the outside public and interior semi-private areas; seating along the Westlake Avenue sidewalk by the street edge or tree well edges, either with benches or widened planter sills (can also be included on John Street if possible and desired); a large art feature on the SW plaza's north wall along with a base element, either as an extension of the art or a visually compatible seating element. (See MUP Sheet MU-7 dated 2/27/08.)

**C-2, C-4:** The "zipper" has been removed by extending the glass curtain wall system down to the second floor level. The brick façade has been retained in this one location to create consistency along the retail store front because the interior behind is a part of the retail to the north; the "chimney" expression has been strengthened by terminating its brick cladding at the level of the adjacent brick façade, continuing it to the cornice with metal cladding similar to that proposed for the SW plaza second to third floor band, and inclusion of a contrasting vertical band extending from approximately the third floor level to the chimney top to tie the brick and metal clad halves together; the third floor mixed brick lintel and narrower metal spandrel line has been made consistent by the single use of a metal spandrel material that will bridge across the "zipper" and visually meet the SW corner third floor band; the canted "jewel box" will have similar window grid patterns on the south and west sides; the alley façade has been revised by ending the brick in line with the extent of the wrapped John Street cornice and replacing this with boxed rib horizontal metal panels simplification; the stepping and parapet between Levels 5 and 6 has been removed along with the brick pilasters.

**D-9:** Any future "chimney" mounted blade sign has been changed to extend between Floor Level 3 to Floor Level 6 (not mid-way between Levels 5 and 6 to above the roof line).

Two *Design Departures* have been requested as outlined in the Departure Matrix at the end of this document. The Director finds that the *Design Departures* to: 1) locate the a required street level use in the southwest corner "jewel box" building element 2-feet further from the street property line than the required 10-feet (total 12-feet) and 2) locate more than the required 70% of the façade back from the street property line, both assist the project in better meeting the Design Guidelines and guidance given (see Matrix Table).

Based on the project's final design presented at the January 24, 2008 Recommendation Meeting, the subsequent design responses outlined above (as shown in the MUP Sheets dated February 27, 2008), and the design changes outlined in *Director's Analysis and Decision* above, the Director **APPROVES** the proposed design and related departures (subject to the **Conditions** found at the end of this decision).

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated June 22, 2007 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 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 certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Construction Impacts**

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Loss of Archeological Resources,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as construction noise, protection of archaeological/cultural resources, and construction traffic impacts and therefore warrants further analysis.

### Archaeological / Cultural Resources

No archaeologically significant cultural resources are known to be present at the project site. However, the *Seattle Commons FEIS*, which extensively analyzed development impacts in the South Lake Union area, including the project site, indicates there is a high to moderate potential for the presence of archaeological resources for properties along either side of the Westlake Avenue corridor between Denny Way and Lake Union. Construction could increase visibility and potential for exposure of previously unknown cultural resources during clearing, grading, and excavating.

To avoid impacts to possible archaeological resources, the project is **Conditioned** to follow the procedures of DPD Director's Rule 2-98, *Clarification of SEPA Historic Preservation Policy for Potential Archaeologically Significant Sites and Requirements for Archaeological Resources* and to provide a Construction Monitoring and Discovery Plan prior to the sub-grade excavation of the project site.

### Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

### Noise

To the south of the project across John Street site a mixed commercial and residential structure is under construction (Rollins Street with 208 residential units) and anticipated to begin residential occupancy December 2008 and reach full occupancy in April 2009. Because of the proximity of these residential units to the project during construction, the limitations of the Noise Ordinance are considered inadequate to limit noise impacts and therefore require further **Conditioning** as follows:

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 6 PM. Interior work that involves noise generating 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.

As *Conditioned*, noise impacts to nearby residential uses are considered adequately mitigated.

### Traffic and Circulation

Site preparation would involve removal of the existing buildings, pavement, and excavation for the foundation of the proposed building and below grade parking garage. Approximately 30,000 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets that must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and requiring the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) includes a construction impact management plan and is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal. Therefore, no further conditioning is necessary.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: 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, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

### Air Quality

The number of employee vehicular trips associated with the project is expected to increase from the amount currently generated by the site's three buildings (see *Traffic and Transportation* below) and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Height, Bulk, and Scale

The City's 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.*" The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Historic and Cultural Resources

The site contains three buildings and date from 1923 and 1947 respectively. None of these buildings are designated as Seattle Landmarks nor are they listed on the Washington State Heritage Register or the National Register of Historic Places.

A historical analysis report, which provided a review of the possible historic significance of these buildings was submitted to DPD and forwarded to the City's Historic Preservation Officer in the Department of Neighborhoods. The HPO reviewed the material and determined that it was unlikely that the buildings would meet the standards for designation as landmarks and therefore a nomination for their consideration as landmarks is not warranted.

### Traffic and Transportation

A *Transportation Impact Analysis*, dated January 9, 2008 and later updated on February 28, 2008 and May 1, 2008, was prepared by Gibson Traffic Consultants with oversight from the DPD transportation planner. (Available in the MUP project file). This report evaluated the existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project (net new trips), and evaluated the impact of these new trips on the level-of-service of intersections in the study area.

The net new trips expected to be generated by the project are estimated by subtracting traffic generated by existing on-site uses from the estimated project trips described above. The average daily net new trips are expected to be 1,393 with 165 PM peak-hour trips. This project traffic is expected to be distributed to the surrounding roadway network and result in a reduction of LOS (level of service) from "B" at Westlake Avenue and Thomas Street to "C".

The project proposes to participate in the transportation mitigation payment program implemented in South Lake Union to mitigate the expected traffic impacts / reduction in level of service. Through this program, the portion of any improvement costs attributable to existing deficiencies must be funded with resources other than private developer mitigation payments. The portion of transportation impacts attributable to the project can be mitigated by a payment based on the proposed uses and size of development. The payment amounts are based on the costs of transportation improvements in the City of Seattle's South Lake Union Transportation Study. The Study identifies a variety of capital improvements for auto, transit, bicycle and pedestrian modes.

DPD has reviewed the projected transportation impacts of the project, as detailed in the January 2008 Gibson Analysis and supplemental analysis of February and May 2008, and concluded that a payment in lieu to the identified transportation improvements in the South Lake Union Transportation Study would adequately mitigate those impacts. Based on the project proposal of a net increase of office and retail space of 105,382 square feet and a payment amount per square foot of \$1.95 the required mitigation fee payment is \$205,494.90. This payment is expected to adequately mitigate anticipated transportation impacts of this development; therefore no further transportation mitigation pursuant to SMC 25.05.675 R is warranted.

#### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. A screen-line evaluation was conducted by DPD's transportation planner that indicates traffic would continue to operate below the concurrency thresholds with construction of the project.

#### Parking

The proposed development will provide approximately 218 below-ground parking spaces. Based on the parking requirements of the Land Use Code, the proposed development is required to provide 151 parking spaces for the development: one space for each 1,000 square feet of office space and one parking space for each 500 square feet of sales and service use.

The Gibson report estimated a total parking demand of 220 stalls. An expected spillover parking demand of approximately two spaces is anticipated to be accommodated by the existing on-street parking provided along the building's block frontage. In conjunction with the above mentioned traffic mitigation fees a dedicated area for posting of public transit information (Metro KC Transit, Sound Transit and South Lake Union Trolley) this minor spillover is considered acceptable by DPD; therefore no parking mitigation is warranted.

## **DECISION - STATE ENVIRONMENTAL POLICY ACT**

This decision was made after review by the responsible official on behalf of the lead agency of 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 43.21.030 2C.

## **DESIGN REVIEW CONDITIONS**

### *Non-Appealable Design Review Conditions*

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).
2. The building constructed shall comply with all images and text on the final MUP drawings, as *Conditioned*, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Update and embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets.

### *Prior to Issuance of the Master Use Permit*

5. Update MUP plan sets 1 and 2 to reflect all required changes discussed above in this document.
6. Revise the color elevation drawings to reflect the approved elevation drawings dated December 14, 2007.

Prior to Issuance of the Building Permit

7. The design shown in the building permit plans shall conform to all images and text on the updated MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping). The final configuration of the southwest corner plaza (discussed under Director's Analysis and Decision, A-1 and A-2 above) shall be approved by project land use planner.

Prior to Issuance of the Certificate of Occupancy

8. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Appealable Design Review Conditions

None.

**CONDITIONS – SEPA**

Prior to Issuance of the Building Permit

9. Submit a Construction Monitoring and Discovery Plan to the building application **zoning review planner** pursuant to the procedures of DPD Director's Rule 2-98, *Clarification of SEPA Historic Preservation Policy for Potential Archaeologically Significant Sites and Requirements for Archaeological Resources*. This shall include a statement from the owner and/or responsible parties that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction

10. 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 6 PM. Interior work that involves construction 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.

