



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: 3007151
Applicant Name: Mark Simpson, Architect, for Security Properties, Inc.
Address of Proposal: 815 Pine Street

SUMMARY OF PROPOSED ACTION

Land Use Application to establish the use for the future construction of a 40-story, 325 unit apartment building with 4,200 square feet of retail and restaurant at ground level. Parking to be provided in below and above-grade garages for 279 vehicles.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC - Five Departures.

1. SMC 23.018D. Overhead Weather Protection.
2. SMC 23.49.022. Sidewalk Width.
3. SMC 23.49.058D.2. Maximum Tower Width.
4. SMC 23.49.058F.2. Upper Level Setbacks.
5. SMC 23.54.030B1.b. Parking Space Requirements.

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

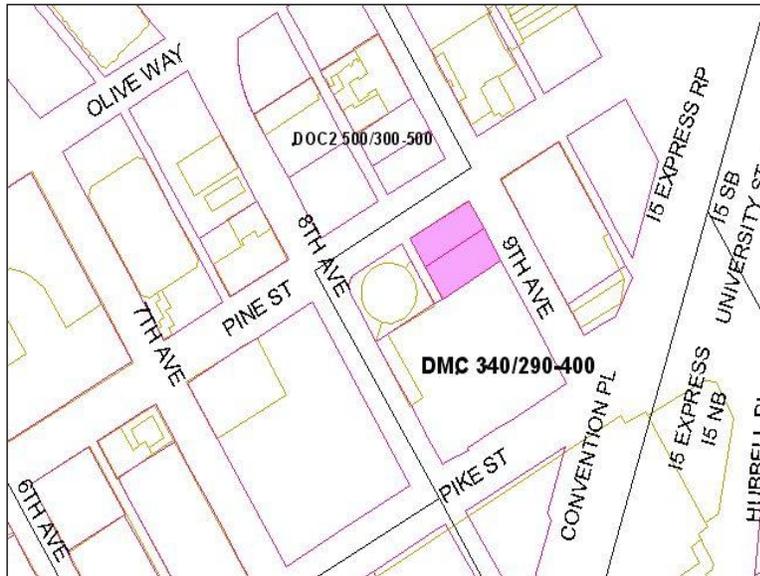
* Early DNS Notice published December 4, 2008

BACKGROUND DATA

Site and Area Description

The proposal site, zoned Downtown Mixed Commercial (DMC) 340 / 290-400 with a height limit of 290 to 400-foot depending upon uses, sits between the Paramount Theater to the east and the 801 Pine St. Apartments, a cylindrical structure in the style of Chicago’s Marina Towers on its west. The rear of the Washington State Convention Center backs up to the site on the south.

A restaurant and a retail store at street level of the Convention Center face Ninth Ave. Other significant structures and uses in the vicinity include the Convention Place Transit Center, the Elliott Grand Hyatt hotel, Qwest Communications (office), and Pacific Place (retail) along Pine St. Several new developments either recently constructed or with approved MUPs comprise the Olive 8, a hotel/condominium structure at Eighth Ave. and Olive Way, the Olivian, an apartment building to the east of Olive 8 and the Ava at 802 Pine with a MUP permit.



Constructed in 1928 and designed by the Chicago architectural firm Rapp and Rapp with assistance from Seattle architect B. Marcus Priteca, the Paramount Theater comprises a mixture of styles with notable influences of Italian Renaissance and Moorish design fashionable in this period. Its location and large marquee marks the entrance into downtown for pedestrians from Capitol Hill. Other landmarks in the vicinity include the Worldmark Resort (Camlin Hotel) and the Eagle's Auditorium (ACT).

Ninth Ave., Pine Street and a public alley delineate the property on three edges. Ninth Ave., a green street, travels one-way south bound, and Pine St., a principal transit street and a Class I Pedestrian Street, carries traffic one-way west bound. Pine also serves as a significant view corridor. The 16 foot wide alley, which runs beneath the Convention Center, received an aerial vacation. The site ascends approximately 12 feet diagonally across from the intersection of Pine St. and the alley to the site's southeastern corner. The project area is well served by transit. In addition to surface bus routes, the property lies catty-corner from the Transit Tunnel Convention Center Station.

Proposal Description

The applicant proposes to design and construct a 420 foot tower comprising 325 residential units on 32 floors, 4,200 square feet of commercial restaurant and retail at street level, and four levels of above grade parking and five levels of below grade parking. Formerly the Pande Cameron site, the two vacant parcels lie at the southwest corner of Ninth Avenue and Pine Street.

At the initial Early Design Guidance meeting, the applicant presented three site plan options all depicting retail facing Pine St., and a residential lobby and leasing office on 9th Ave. The placement of vehicular access to the above and below grade garages varied for each scheme. Options # 1 and 3 proposed access from the alley in slightly different configurations. Option # 2 had access from both the alley and from a curb cut on Ninth Ave. The driveway from the alley

would descend into a six level garage and the Ninth Ave. A second driveway would ramp upward to a three level garage.

In contrast to the cylindrically shaped apartment building across the alley, the applicant proposed a rectangular box-like structure with an articulated base delineating the ground floor and the three levels of parking. The three tower concept each had a shaft connecting a distinct four level base to a two-story top. The base for Tower Concept A had punched openings at the base revealing a traditional column and spandrel system that integrates the garage levels into the façade as if its function accommodated people rather than vehicles. Two vertical columns of balconies at the upper floors would define the corners and emphasize a sense of verticality. Tower Concept B carried the glass curtain wall of the tower to street level and defined the base with canopies and possibly pilasters, again hiding the garage behind the same curtain or window wall system as the rest of the structure. The distinct base of Tower Concept C emphasized or revealed the garage as an equally significant programmatic element of the building. For the architect, the framing and cladding elements asserted the garage as a sculptural object on par with the theater's marquee and base. The prominent corner of this scheme anchored the tower to the street and unifies the base to the shaft. A narrow vertical slot (windows and/ or balconies), the length of the upper shaft punctuated the Pine St. elevation. On the Ninth Ave. elevation, a portion of the proposed façade above the base is canted outward revealing windows that peer down 9th Ave. Both the vertical slot and the canted windows suggested a contemporary response to the graceful yet idiosyncratic architectural elements (balconies, grill work, and fire escape) that adorn the Paramount. The slant of the roof of Option #3 tower appears to acknowledge the sun's influence.

Views from the proposal's upper stories would likely be uninterrupted due to height limits on the convention center, the proximity of the freeway and the Sound transit tunnel beneath the parking lot across Pine St.

The applicant returned to the Downtown Design Review Board 17 months after the initial Early Design Guidance meeting. The program as described in the earlier schemes had not changed. The proposal, a largely rectangular glass and terra cotta box, embodies two leitmotifs: 1) a skin of terra cotta striations which run vertically on the facades facing its adjoining rights-of-way and horizontal facing the alley and the south and 2) an acknowledgement of the corner's importance across from the Paramount Theater by inserting a two-level restaurant with an exterior balcony and a series of special rooms and apartments at the corner of the parking garage. The vertical band of balconies on each elevation punctuates the taut skin by endowing the facades with a sense of depth. These balconies provide a rigor and toughness to the elevations that counterpoises the playful qualities of the vertical stripes on the two street elevations. The balcony motif works at several scales. The vertical bands will be viewed from great distances. At the street level, the vertical expression is exchanged for two horizontal balconies one capping the above grade parking garage and the other at the corner at level two.

The proposed tower possesses a fairly subtle tripartite composition. The base, with its own sub-tripartite division, has two floors of retail or restaurant uses and several levels of parking garage demarcated by the use of horizontally placed channel glass. A balcony at the sixth floor residential amenity level caps or concludes the base. The syncopated terra cotta vertical stripes

that decorate the shaft tie the base and the roof into one unified composition. The most noteworthy element of the roof is the proposed curvature of the wall on the south and west facades. It provides a generous roof garden and vaguely acknowledges its neighbor 801 Pine St. and the the barrel vault over Pike St.

By the Recommendation meeting, the applicant proposed several significant revisions including the following: changing the exterior terra cotta piers to aluminum panels; substituting a stainless steel mesh curtain for the channel glass at the upper level garage; eliminating the restaurant mezzanine level and balcony; altering the composition of the south elevation; reducing the amount of balconies on the west elevation; emphasizing the Ninth Ave and Pine St. corner by adding more glazing; and adding more incident to the roof top.

Public Comments

Four people signed in at the initial Early Design Guidance meeting and a total of ten signed-in at the second EDG meeting. Comments focused on the upper level parking garage and the visibility of lighting and the sloped floors behind channel glass. Other issues identified include air rights over the convention center, overhead weather protection at the 9th Ave. and Pine St. corner, the outdoor dining terrace, placement of the formal residential entry (favors the Pine St. location), and the streetscape (curb bulb, and two foot setback).

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at two Early Design Guidance meetings on May 23, 2007 and October 14, 2008. 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 identified the following Downtown Design Guidelines as high priorities to be considered in the final proposed design.

A. Site Planning & Massing

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

The design concept presented to the Design Review Board attempts to create an appropriate fit for a fairly constrained site rather than address urban themes that embody the juxtaposition of the downtown street grid and the interstate, the site's location as a gateway or transition between downtown and Capitol Hill, its proximity to the retail district, and its relationship to the collage of diverse downtown uses and images. The Board wishes that the design team explore these themes and others not mentioned here as means of imbuing the project with another level of interest and sophistication. (EDG # 1, May 23, 2007)

The Board did not add to its earlier comments. (EDG # 2: October 14, 2008)

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

Due to the site's proximity to the freeway, the proposed project will have considerable exposure from I-5 and many vantage points on Capitol Hill. The top should evolve from its site, program and other considerations such as solar gain. The Board prefers an elegantly shaped roof line that contributes to the city's skyline. (EDG # 1: May 23, 2007)

Reconsider the rooftop of the structure with the intention of creating a more expressive structure. One technique is to express the internal program such as the pool on the exterior on the exterior. With the exception of the curved wall, the roof facing the two streets is a continuation of the shaft. The rooftop at these elevations should possess a greater distinction from the shaft while maintaining a sense of continuity. See guidance B-4. (EDG # 2: October 14, 2008)

B. Architectural Expression

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

The proposal adds a fourth tower to a cluster forming along Pine St. and Olive Way. between Eighth and Ninth Avenues. The eclecticism of the Paramount Theater and 801 Pine St. as well as the convention center's decorated box-like qualities allows the architects a great deal of latitude. The architect purposefully provided rudimentary concepts of the tower massing. In response, the board members requested considerably more development of a scheme of the architect's choosing; however, the design should judiciously incorporate significant datum lines from neighboring structures. The designs in concept stage revealed only the architect's tentative understanding of the vicinity. How will the architectonic elements address the Paramount's eclectic style and the late 1960's vision encapsulated in 801 Pine St.? (EDG # 1, May 23, 2007)

The proposal with its use of terra cotta, corner cut out and balcony, exposed stairs along Ninth Ave. and potential for suffused illumination from the parking garage, alludes to the Paramount Theater, a city historic landmark. The Board wondered whether the conditions that are important to the Ninth and Pine corner as expressed at the lower levels should be continued upward to define the corner for its entire height as a means of visually anchoring the structure.

The proposed balcony at the corner and the exposed staircase facing Ninth Ave. are opportunities to create truly elegant architectural elements. The Board looks forward to seeing these features, with so much potential, realized in a contemporary manner that matches the refinement of the Paramount Theater. (EDG # 2: October 14, 2008)

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.

Relating to various significant datum lines to be created by new neighbors and ones that already exist in the area is recommended; however, the architect should seek originality as well. (EDG # 1, May 23, 2007)

The proposed structure's relationship to the 801 Pine St. apartment building appeared satisfactory to the Board. (EDG # 2: October 14, 2008)

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

The overall size of the Paramount as well as its architectural elements (elongated windows, grillwork, iron fire-escape and balconies), marquee and delicate terra cotta ornament provide a pleasant and urbane human scale. The base of the proposed building should possess the same fine grain qualities and attention to detail.

The base of the structure along with the green street amenities should foster a sense of place attractive to pedestrians. The quiet street should be an eddy between Pine and Pike streets that offers an area to linger and complement potential retail / restaurant tenants. (EDG # 1, May 23, 2007)

The proposed treatment of the corner with its second floor balcony, raised sidewalk café and cut out of the façade engages the structure with pedestrian activity at the street ; however, the design forces the pedestrian to circumnavigate the raised seating platform and walk beyond the overhead canopy's protection. The second floor balcony is less than the required height of ground floor uses as expected in the Land Use Code. A representation of the second floor plan (and section) would have helped define the how the interior space works. (EDG # 2: October 14, 2008)

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 site's size constraints demand a slender tower. The concept massing schemes begin to suggest the architect's ability to create an elegantly proportioned structure. The three schemes also imply that the architect's ability to create a coherent or unified architectural concept. (EDG # 1: May 23, 2007)

Recognizing the playfulness of the vertical striations on the north and east elevations, the Board asked that the two facades with horizontal stripes be more assertive. Just as the Pine St. and Ninth Ave. facades subtly express the density of units on each floor, this occurs on the alley and convention center sides as well. In spite of the changes in the height of the spandrels and the width of the balconies, the two minor facades lack the whimsy of their sisters. Unresolved is the transition at the corners from the horizontal to the vertical facades. At the northwest corner, a

vertical spine of balconies creates a transition between the facades. At the southeast corner, this transition appears less sure of itself.

The architect's attempt to define a base, middle and top lacks clarity. In the small elevations presented in the design review booklet, both the vertical, terra cotta stripes and the homogeneity of color in the façade renderings, overwhelm the distinctions created by the six floor balcony (on Pine St.) and the channel glass proposed for the garage. Unlike the west and south facades, in which the balconies clearly define the shaft, the vertical columns of balconies on the north and east walls do not extend to the base. The curtain wall at the roof top of the north and east elevations lacks resolution---the only distinction between it and the shaft is the lack of balconies. The top should possess clarity and a better resolution. See guidance A-2. (EDG # 2: October 14, 2008)

C. The Streetscape

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

The Board expressed its approval of the residential entry on Ninth Ave. Retail and / or restaurant spaces should augment the pedestrian activity on Pine St. and Ninth Ave. with large, highly transparent, operable windows, creation of a small corner plaza for a sidewalk café to complement the landscape design for the green street, and interesting sidewalk paving patterns among other techniques. These features should guide pedestrians into turning the corner. (EDG # 1, May 23, 2007)

The Board supported placing the residential entry on Pine St., a shift from the guidance given at the earlier meeting. Overall, the Board expects a more realistic representation of materials at the street and garage levels. Future drawings should delineate the pedestrian experience at the ground plane. Provide analysis of the relationship of the restaurant (retail) floor level and the sidewalk level for the Recommendation meeting; for example, how does the sloping sidewalk relate to the restaurant? (EDG # 2: October 14, 2008)

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.

Tower Concept C as presented at the EDG meeting suggests the architect's interest in interpreting or responding to the Paramount's Ninth Ave. façade's arrangement of fenestration, ornament and wrought iron features in a contemporary manner by exaggerating or emphasizing certain key architectural elements. The design would likely give expression to the garage and accentuate the façade as a sculptural object. (EDG # 1, May 23, 2007)

The six story base has several architectural features and materials such as terra cotta, balconies, and exposed stairs which provide a sense of the human scale. Execution of the details for these features will further enhance the intimacy of scale. The Board especially noted the importance of the terra cotta detailing. In sum, the closer the proximity to the streetscape the finer the grain of detail should be provided.

The shaft with its playful variations in the skin, noting changes in program, and severe strip of balconies must also suggest the human scale. The challenge for the architect is to invest the facades with a finer grain. Consider using texture and incident on the façade that highlight solar conditions which ultimately provide visual interest to the on-looker. (EDG # 2: October 14, 2008)

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

The Board will pay particular attention to the alley / Pine St. corner at the next EDG meeting. See guidance from C-6. (EDG # 1, May 23, 2007)

The Board emphatically urged the applicant to add small work spaces at each level of the northwest corner of the parking garage in order to further activate the lower façade. These units will have attractive views down Pine St. (EDG # 2: October 14, 2008)

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

The Board urged the applicant to design a more welcoming residential entry on Ninth Ave. than what was presented in the EDG packet.

The architects should consider whether the corner opens up to allow a small plaza or enhanced pedestrian realm that ties into the green street amenities. An open corner, whether it's chamfered or at right angles, may accommodate an outdoor café. (EDG # 1, May 23, 2007)

The Board agreed with the applicant that the formal residential entry could be located on Pine St. However, the lobby appears less than gracious and should be enhanced to celebrate the sense of entry and movement through the building. Techniques include using materials to provide continuity between exterior and interior, widening the lobby, and shaping a series of modulated or discrete spaces from entry door to elevators. (EDG # 2: October 14, 2008)

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.

The lack of overhead weather protection at the corner presents a problem since the raised platform at the sidewalk café pushes the pedestrian beyond the realm of overhead weather protection. (EDG # 2: October 14, 2008)

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

The Board and the architect discussed the visibility of the alley, in particular the corner as seen from the west and the merits of emphasizing this corner. The curve of the 801 Pine Building creates a higher degree of exposure for the corner of the alley and Pine St. The design should recognize the greater visibility by wrapping the materials and fenestration from the north façade to the alley façade.

Apparently a significant amount of vehicle traffic uses the alley as a short cut or means of connecting from Pike and Pine Streets. The design of the alley façade and its entrances into the garage should recognize the safety implications of the added traffic. (EDG # 1, May 23, 2007)

The Board appeared satisfied with the green screen overlooking the alley. (EDG # 2: October 14, 2008)

D. Public Amenities

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

At the next EDG meeting, the applicant will need to provide a Ninth Ave. green street concept design. Although Ninth Ave. lacks the pedestrian traffic counts that Pine and Pike Streets possess, the streetscape design, coordinated with the potential street level uses, should be an enticement for pedestrians from Capitol Hill, the Convention Center and elsewhere downtown. A cut into or an erosion of the corner at street level should help to create a sense of place. (EDG # 1, May 23, 2007)

The green street concept for Ninth Ave. met with general approval and the redesigned curb bulb enlarges the open space in the right of way. DPD and SDOT will review the pull out lane and the curb bulb as the project progresses to MUP stage. [Note: DPD staff does not support retaining the pullout land on Pine St.] (EDG # 2: October 14, 2008)

D-2 Enhance the building with landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

See guidance from C-6. (EDG # 1, May 23, 2007)

The intention of the green screen along the alley is to provide the tenants of 801 Pine building with a wall with some interest. The Board requested that the screen not wrap around the corner.

The bamboo proposed at the corner should not block the views from the Board requested transparent windows at the corner. (EDG # 2: October 14, 2008)

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.

The Green Street design and the possibility of a small plaza at the corner should augment the development team’s and the Board’s aspirations to create a meaningful sense of place. Although Ninth Ave. currently seems under-populated with active uses and people, judicious design and interesting tenants could create an inviting place that compliments the nearby theater and convention center uses. (EDG # 1, May 23, 2007)

The idea of a restaurant engaging the interior and exterior of the corner as well as providing activity at two levels interested the Board members. Done right the design could define the place as an attractive neighborhood feature and complement to the neighboring theater. The Board looks forward to seeing more refinement for the Recommendation meeting. (EDG # 2: October 14, 2008)

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 will want to review signage concepts at a later stage in the design process. (EDG # 1, May 23, 2007)

The Board will review signage concepts at the Recommendation meeting. (EDG # 2: October 14, 2008)

D-5 Provide adequate lighting. To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building facade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage.

The applicant should provide preliminary lighting ideas for the roof top and street level at the second EDG meeting. (EDG # 1, May 23, 2007)

Basing its remarks on the nighttime renderings, the Board requested suffused illumination at the corner rather than the harsh light as shown on the drawings. Drawings for the next meeting should make this clear. (EDG # 2: October 14, 2008)

E Vehicular Access and Parking

E-1 Minimize curb cut impacts. Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

The applicant presented several site planning options. Site plan Option # 2 proposed a curb cut on Ninth for access to the parking garage. The Board strongly preferred all vehicular access from the alley. (EDG # 1: May 23, 2007)

The Board lauded the applicant's placement of all vehicular access on the alley. (EDG # 2: October 14, 2008)

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.

The applicant presented three design strategies for integrating the above grade parking into the structure's base. Two options illustrated the three parking levels as expressive of traditional building systems such as column and spandrel (Concept A) and curtain wall (Concept B). These schemes deemphasize the garage structure and its function in favor of a cohesive composition that in some respects attempts to hide or suppress the use or program. Concept C calls attention to the garage as both independent of other programmatic uses and worthy of expression.

One question that engaged the Board was whether the proximity to such eclectic and idiosyncratic structures as the Paramount Theater and the cylindrical 801 Pine St. warrants emphasis of one parking garage concept over another. Does the Paramount with its prominent marquee suggest a theater district that would welcome a parking garage that has a decidedly sculptural presence? Should the garage levels be lit in such a way as to augment the corner's vitality at night? The Board conveyed its desire that an interesting lighting design should also have an interesting façade seen in the daytime.

The variety of structures in the area supported either design direction and the Board left the decision to the architect for further exploration. Members of the Board prefer a well designed garage façade over a particular architectural language. The architect should decide upon a direction and convey a convincing scheme at the next EDG meeting. (EDG # 1, May 23, 2007)

Intrigued by the potential of channel glass for the façade of the parking garage, the Board urged the architect to extend the investigation of what the material's possibilities are. The Board would like a list of local examples of where channel glass has been used. Follow-up drawings should show a realistic night rendering of the glass and the open separations between panels explaining how headlamps and overhead garage lighting will be addressed by the channel glass. (EDG # 2: October 14, 2008)

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 architects should explore whether portions of the service areas can be accommodated in the lower portions of the garage. (EDG # 1, May 23, 2007)

At the Second EDG meeting, the Board did not address this guidance. (EDG # 2: October 14, 2008)

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on November 17, 2008.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on March 24, 2009 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

No one from the public signed-in at the Recommendation meeting. There were no comments by those individuals in the audience.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Overhead Weather Protection. The lower edge of the overhead weather protection must be a maximum of fifteen feet above the sidewalk.
2. Sidewalk Width. A minimum of 18 feet.
3. Maximum Tower Width. Maximum width for residential structure above 85' is 120' or 80% of lot width, whichever is less.
4. Upper Level Setbacks. 9th Ave. is a Green Street requiring an upper level setback of 15' at a height of 45'.
5. Parking Space Requirements. 60% of all stalls are to be medium size.

Recommendations

A. Site Planning & Massing

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

The Board did not offer further guidance.

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

The Board liked the curve rooftop and the irregular crenulations aligned with the vertical aluminum panels.

B. Architectural Expression

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

In general, the proposal responds well to the neighboring projects. The treatment of the building's corner and its canopy lacks the presence of the Paramount marquee. See B-3 and C-5.

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

The Board did not offer further guidance.

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

The lower elevation at the Ninth Ave. and Pine St. corner lacks the strength of the Pine St. and alley corner and the substance of the upper facades. The effort to emphasize the corner by creating a glazed shaft extending from grade to roof does not find a suitable resolution at street level. The Board conditioned the project by recommending a higher canopy at the restaurant on Pine St. and one that fully wraps around the corner. The Ninth Ave. canopy may be lower than the Pine St. portion to form a disjunction in the planes. The Board recommended a departure for the canopy height if needed.

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 near symmetry of the south façade runs counter to the other three more playfully asymmetrical elevations. The south wall has the same sculptural effect as the others due to the balconies. The Board advised the architect to consider revisions to it.

C. The Streetscape

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

The revision to extend the canopy farther over the sidewalk rather than over just the sidewalk café met with the Board's approval.

- 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.**

The Board accepted the changes in materials from channel glass and terra cotta to a stainless steel mesh curtain and to ochre colored aluminum panels respectively. The Board expressed doubt as to whether the metal panels and steel mesh would relate as well to the Paramount Theater as the terra cotta.

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

The applicant increased the size of the residential units at the Ninth Ave. and Pine St. corner of the garage level to comply with the Land Use Code governing uses separating parking from the street. However, the applicant did not accommodate the Board's earlier request that a use other than parking occur at the alley and Pine St. corner. The Board accepted the applicant's revision.

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

The Board did not offer further guidance.

- 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.**

See B-3. The Board recommended raising the canopy along Pine at the restaurant in order to create a more distinct corner. The Board members also recommended extending the Ninth Ave. canopy to the corner to provide continuous weather protection.

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

The Board had previously requested both a more active use (residential or hobby space) for the portion of the above-grade garage at the corner near the alley and access to views down the Pine St. corridor. The applicant responded by increasing the size of the residential use near the Ninth and Pine St. but left the parking overlooking the alley. Bamboo, planted at grade near the alley, once mature would likely obscure the views down Pine St. from the above grade garage. The Board accepted the proposal.

D. Public Amenities

D-1 Provide inviting and 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.

The Board recommended denial of the departure to maintain the pull out lane on Pine St. The sidewalk width should be one constant width along Pine St.

D-2 Enhance the building with landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Reversing an earlier opinion, the Board did not object to the bamboo blocking views of the Pine St. corridor from the garage. The Board recommended densely planted bamboo that would achieve a height at maturity comparable to the height of the upper parking garage.

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.

Elimination of the restaurant mezzanine level with its balcony overlooking the corner should not necessarily reduce the restaurant’s engagement with Pine St and Ninth Ave. activity. If the proposed restaurant is established, a sidewalk café remains an option.

The Board did not comment on the Green Street landscape design.

E. Vehicular Access & Parking

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

The Board accepted the proposed use of a stainless steel mesh curtain as the exterior of the above-grade parking levels.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the March 24, 2009 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the March 24th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMEND- ATION
1. Minimum Sidewalk Width. SMC 23.49.02	A minimum of 18 feet per Map 1C.	Maintain drop off lane and provide less than 18' width.	<ul style="list-style-type: none"> ▪ Allows for drop-off area in front. 	Recommended denial
2. Maximum Tower Width. SMC 23.49.058D.2	Maximum width for residential structure above 85' is 120' or 80% of lot width, whichever is less.	Width above 85' would be 102' or 90% of the lot width.	<ul style="list-style-type: none"> ▪ Slender tower with balconies at corners to increase emphasis on verticality. 	Recommended approval
3. Upper Level Setbacks. SMC 23.49.058F.2	9 th Ave. is a Green Street requiring an upper level setback of 15' at a height of 45'.	A continuous two foot setback at the sidewalk along 9 th Ave.	<ul style="list-style-type: none"> ▪ Generous setbacks are established to the east (801 Pine apartments) and south (convention center). 	Recommended approval.
4. Parking Space Requirements. SMC 23.54.030B1b	60% of all stalls are to be medium size.	60% small and 40% medium size.	<ul style="list-style-type: none"> ▪ Provides more efficient operations in the parking garage. 	Recommended approval
5. Overhead Weather Protection. SMC 23.49.018D	The lower edge of the overhead weather protection must be a maximum of fifteen feet above the sidewalk.	Height to be determined before MUP issuance by DPD planner.	<ul style="list-style-type: none"> ▪ Board recommended a higher canopy at the restaurant (larger commercial) space on Pine St. to emphasize corner. 	Recommended approval

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Raise the height of the segment of the overhead weather protection at the restaurant (larger commercial space) along Pine St. (B-3, C-5)
2. Extend the canopy on the Ninth Ave. elevation to the corner to provide continuous overhead weather protection. (C-5)
3. Provide densely planted bamboo to achieve a height comparable to the height of the parking garage at the alley and Ninth Ave. (D-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by the five Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated November 17, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form 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 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 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

- A. Surveying and layout.
- B. Stacking the building with remote operating crane or fork lift.
- C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residential properties, all other construction activities shall be governed by a Construction Impact Management Plan.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the

directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Construction Impacts

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.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 58 feet and will consist of an estimated 30,780 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is estimated to last 24 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 3,078 round trips with 10-yard hauling trucks or 1,540 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial

streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Pine St. and Ninth Ave. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM. A Construction Traffic Management Plan will need to be reviewed by SDOT before construction to ensure safety for vehicular and pedestrians movement.

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; increased light and glare; and loss of an older building.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. The Design Review process has contemplated height, bulk and scale issues. However, due to the size and location of this proposal, historic preservation, light and glare, traffic and parking impacts warrant further analysis.

Traffic and Transportation

The proposed multiuse project would introduce approximately 1,540 new daily trips to the surrounding street system as estimated by the transportation consultant, The Transpo Group. Most trips would be generated by the 325 residential units. The trip generation forecast for the project would generate approximately 128 PM peak hour vehicle trips.

The traffic consultant studied nine intersections in the project vicinity. The consultant writes that during the PM peak hour, the addition of project traffic is not expected to cause any study intersections to degrade in Level of Service (LOS) from baseline 2012 conditions. "All study intersections are anticipated to continue to operate at LOS C or better with the proposed project, with changes in intersection delays of less than five seconds." While these impacts are adverse, they are not expected to be significant.

Parking

279 off-street parking spaces for residential, office and retail commercial uses are to be provided in the proposed building, which meets the Land Use Code requirements for on-site parking. The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that no authority is provided to mitigate the impact of development on parking availability in the downtown zones. For these reasons, no mitigation of parking impacts is necessary pursuant to SEPA.

Peak parking demand for the proposed project would total 295 parking stalls, occurring during the late evening hours. Assuming a total of 279 parking stall are provided in the proposed garage, the residential parking demand will be able to be accommodated by the proposed on-site parking supply. The proposed retail and restaurant land uses are anticipated to generate a peak parking demand for 19 stalls during the evening hours. It is anticipated that sufficient off-site parking supply is available during this time period to accommodate the peak parking demand associated with the proposed non-residential land uses. While these impacts are adverse, they are not expected to be significant.

Historic Preservation

The proposal's proximity to the landmarked Paramount Theater (built 1926) and the Camlin Hotel (1926), however, warrants review by the Department of Neighborhoods. Based on the review of plans, drawings and photographs submitted by the applicant, DON does not require additional mitigation in the architectural design of the project.

The former Pande Cameron Building (designed by Henry Bittman and built 1928) previously occupied the site. Demolition of the building occurred without City landmark review.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Light and Glare

A stainless steel mesh curtain and opaque dividers at vehicle headlight level in the above grade garage should prevent most leakage of lights onto Ninth Avenue and Pine Street.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

CONDITIONS-DESIGN REVIEW

For the Life of the Project

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 (Bruce P. Rips, 615-1392). 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.

Prior to Issuance of Occupancy

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 be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392) or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Prior to Issuance of a Demolition, Grading, or Building Permit

3. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of the MUP

4. Raise the height of the segment of overhead weather protection at the restaurant (larger commercial space) along Pine St.
5. Extend the canopy on the Ninth Ave. elevation to the corner to provide continuous overhead weather protection.

Prior to Issuance of the Certificate of Occupancy

6. Provide densely planted bamboo capable of achieving a size comparable to the height of the parking garage at the alley and Ninth Ave.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

7. Submit a Construction Traffic Management Plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, and sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 p.m.

During Construction

Condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

8. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.
 - B. Stacking the building with remote operating crane or fork lift.
 - C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
9. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M. A Construction Management Impact Plan will govern noise regulations impacting hours beyond delineated times and days stipulated in the Decision.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

Signature: _____ (signature on file) Date: May 21, 2009
Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development
Land Use Services