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

Project Numbers:	3008148 & 3009545
Applicant Name:	Brad Hinthorne, Ruffcorn Mott Hinthorne Stine Architects, for Selig Real Estate Holdings Twenty-One LLC
Addresses of Proposal:	3031 Western Avenue & 3101 Western Avenue

SUMMARY OF PROPOSED ACTION

Land Use Permit for a 14 story residential building, containing approximately 78 units with tenant common amenities and below-grade parking for 62 vehicles.* The parking garage will take access from the existing 3101 Western Av building's driveway and garage ramp off Western Avenue with additional access provided directly from Elliott Avenue. Project work would includes 17,800 cubic yards of grading and landscape and pedestrian improvements within vacated Bay street. The existing Parking structure at 3031 Western Avenue will be demolished.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC), involving design departures from the following Land Use code development standards:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

*MUP 3008148 was originally noticed as a project for *75* residential units, 62 parking spaces and excavation totaling 14,200 cubic yards of earth.

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

[X] DNS with conditions

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

BACKGROUND INFORMATION:

The Downtown development site is bounded by Western Avenue on the east, Elliott Avenue on the west, by the 3101Western Av building site to the north and the Seattle Art Museum Olympic Sculpture Park on the south. Included within the development site is the former Bay Street right-of-way which was vacated under Ordinance 1114450 of the City of Seattle. Actual development within the vacated right-of-way is restricted by a Property Use and Development Agreement (PUDA). The development site is trapezoidal in shape, with the Elliott Avenue property line flaring slightly inward as it runs from south to north. It measures approximately 100 feet in the north/south direction and 180-193 feet in the east/west direction. The total area is approximately 18,700 square feet in extent. Currently there is a structure on the site, occupying most of the area south of the vacated Bay Street. Formerly a warehouse building, it is now used for parking and is proposed for demolition in order to accommodate the envisioned development. The proposed building site is primarily zoned DMR/R125/65, with the area north of what was the centerline of Bay Street zoned DMC-65.

The purpose of the DMR/R 125/65 (Downtown Mixed Residential) zone is to provide a wide range of uses with emphasis on residential use. Office and retail uses are permitted in the DMR/R 125/65 zone. The zoning allows other uses permitted outright in the Seattle Municipal Code except for: drive-in businesses, outdoor storage, helistops and heliports, light manufacturing uses, general and heavy manufacturing, solid waste management, recycling, all high impact uses and work release centers. The “65” portion of the DMR/R 125/65 zoning designation indicates the lower height limit for any nonresidential or live-work uses. The “125” portion of the zoning designation indicates the allowable height limit for solely residential use. Under Seattle Municipal Code certain rooftop features are allowed to extend above the height limit. The DMC 65 (Downtown Mixed Commercial) zoning designation, applicable to the portion of the development site north of the centerline of the former Bay Street, permits a wide range of commercial uses, residential uses and mixed commercial/residential uses while imposing on structures a height limit of 65 feet.

The site and surrounding area are located within the Belltown Urban Center Village as designated in the Seattle Comprehensive Plan. A goal of the Urban Center Village overlay is to identify and reinforce density and concentrations of a housing and commercial mix. Design Review is required of any projects of size and the site is subject both to the *Design Review Guidelines for Downtown Development* and *Design Review Design Guidelines for the Belltown Urban Center Village.*

The proposed development is for a 14 story residential building, containing approximately 78 units with below-grade parking for 62 vehicles. The parking garage would take access from the existing 3101 Western Av building's driveway and garage ramp off Western Avenue which bisects the eastern portion of the former Bay Street right-of-way. Additional access would be provided directly from Elliott Avenue. Project work will include landscape and pedestrian improvements along vacated Bay street, including a series of open stairs that will create a pathway with a more gradual pedestrian descent than at present running between Western and Elliott avenues.

DIRECTOR'S ANALYSIS—DESIGN REVIEW

Early Design Guidance Meeting, January 8, 2008

The Early Design Guidance Meeting, held on January 8, 2008, was attended by four members of the Design Review Board for Area 6 (Downtown).

Architect's Presentation

Three alternate massing models for the site were briefly presented to the Board. The first maximized the build-out of the site and angled the planes on both the north and south facades, sloping to a smaller envelope where the building reached its maximum height. It was noted that this scheme, while simple in form and perhaps presenting a more interesting architectural form when viewed from the sculpture park, was a technically complex form that made unit-planning difficult and reduced the glazing area on the lower portions of the south façade allowable per the International Building Code. Option 2 differed from the first option in being strictly rectangular in shape but with the eastern half of the massing slipping some thirty feet or so above the volume of the western half. The two halves were joined by an angular mechanical screen wall which followed the topographical decline of the site from east to west. In the description of the architectural team, this form was also "most consistent with roof lines of pavilions at Olympic Sculpture Park." The entire south façade was set back five feet from the property line and sported vertical bay windows which ran in strips the entire height of the structure. This scheme allowed for a large, usable recreational space on the lower roof and allowed for a higher percentage of glazing than had been possible with the first scheme. It was explained that the simpler form allowed for easier unit planning and construction. In both schemes, presumably, vehicular access would be from Elliott Avenue as well as from the existing driveway providing access to underground parking beneath the Airborne Express building.

The preferred third option gave clear expression of two connected rectangular boxes, with the Western Avenue portion slipping some thirty feet or so above the top of the box that rose from Elliott Avenue. Like Option Two, this scheme allowed for a large, usable recreational space on the lower roof and allowed for a higher percentage of glazing than had been possible with the first scheme. Again, the simplified form was said to allow for easier unit planning and construction. As in the two other schemes, vehicular access to the building would be from both street fronts, directly into the structure from Elliott Avenue.

The area north of the structure, including the entire the vacated portion of Bay Street, would be enhanced as part of the proposal. Project work would include landscape and pedestrian improvements, including a series of open stairs that would create a pathway, with a more gradual pedestrian descent than at present, running between Western and Elliott Avenues.

After asking a number of clarifying questions following the architect's presentation, the Board elicited comments from members of the public attending the meeting.

Public Comments:

Approximately 18 members of the public attended the meeting. Several of those attending were residents from nearby condominium buildings to the east of the site where zoning did not allow, and actual development did not exceed, a height of 65 feet. Some of these residents expressed concerns about view blockage and raised a broader issue of the "fit" of the height of the proposed new building within the established "neighborhood character" of their own residential buildings. Some members of the public suggested: that the structure should step back more generously from the property line with the Olympic Sculpture Park. The balconies were not thought to provide a suitable backdrop or edge to the park, and elements within the south-facing façade, it was believed, should not be allowed to compete with the park.

The potential for a park-like development within the former Bay Street right-of-way was described by one member of the public as a fascinating opportunity for the neighborhood. Clear separation between vehicle and pedestrian pathways should be stressed; providing a meander to the vehicle driveway from Western Avenue, it was suggested, would add to the park-like character of the space.

Several other concerns dealt with issues which as expressed were less clearly related to elements of design: i.e., the adequacy of the proposed parking, impacts on local parking and traffic, construction noise.

Board's Deliberations:

The Board began by noting both the fantastic potential of the site for residential development and the responsibility of development on the site for respecting the sculpture park to the south which has become in the short interval since its opening one of the City's great and cherished spaces. The Board identified three main issues that needed to be satisfactorily addressed by the development team as the project proceeded from this conceptual phase through full design development; these were proposed as questions: How is this project a "neighbor" to the Sculpture Park"? How is this project a "neighbor" to the existing community around it? How does this project effectively meet the ground along each of its edges?

Within the discussion surrounding the first question, comments were elicited from a member of the landscape design team for the Olympic Sculpture Park, and now advising the development team on this project, who stated that an overriding idea for the design of the park had been the notion that the park had to accept the city. The park was designed clearly anticipating that development beyond the Park's control would take place at its edges. The landscape architect also noted that the trees on the slopes abutting to the east and north the "valley," where the Richard Serra sculpture entitled *Wake* had been installed, would grow to 30-35 feet within the next ten years.

Since the structure would not be allowed to move northward beyond the southern edge of the former Bay Street right-of-way, the impracticality of any generous setting back of the entire mass of the structure from the property boundary with the Sculpture Park was noted by the Board. So too was the impracticality, but in some sense desirability, of relocating the circulation and service cores to the south façade where they might provide more effective backdrops to the sculpture park. Nevertheless, concerns did remain regarding the desirability of open balconies on the south façade. At the very least, the Board agreed, the south-facing façade needed to be "quieted." The proposed structure, as the Board remarked, sits next to a world class sculptural park; for years to come it would be eminently visible from within the park; in this regard the challenge for the design of the building would be to try to emulate the successful design of the park.

On the second question, that of relating to the surrounding community, outside the Park, the Board requested that the development team at the next meeting provide the Board with a more thorough and detailed analysis of the neighborhood. To this end, the Board requested that the design team present some additional sectional views and perspective drawings of the proposed structure, studies that might express the wider context and broader sense of the neighborhood.

On the third question, the Board noted that the proposed building appeared to present a blank wall to pedestrians traversing the Bay Street pathway. The Board would expect to see, at the next meeting, a great deal more of this courtyard area, with ample details of the façade adjacent to it, landscaping, materials, textures, pathway furnishings and artwork calculated to enhance the pedestrian experience.

Along the south façade, the development team should address issues regarding the questionable desirability of opening the lower units to a terrace, given the perceived vulnerability of these units. Apart from Western Avenue, the meeting of building and ground seemed somewhat awkward and unresolved. Most tenuous was the way the building met the ground along Elliott Avenue. The design of the building should improve, not diminish, the pedestrian experience along this edge. The improvements should include the addition of an interposing use between the sidewalk and the parking inside the structure and provide an adequate space for that use. Overhead weather protection should be a given along this facade.

As part of their presentation, the design team had identified five design guidelines as being "most pertinent to this project and site": B-2, B-3, D-1, D-2, and D-3. The Board agreed that guidelines B-3, D-1, and D-2 were highly pertinent to the project, but regarded the other two identified guidelines to be of lesser importance, while identifying several other guidelines, identified below, to be regarded of highest priority for a successful design.

DESIGN GUIDELINES

After visiting the site, considering the analysis of the site and context provided by the proponents, hearing public comment, and addressing their major concerns regarding the proposal, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Downtown Developments* and the *Design Guidelines for the Belltown Urban Center Village* of highest priority to this project.

A Site Planning

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 guideline above was chosen by the board to be of high priority. Human activity within the Bay Street corridor should be promoted by the interface of pathway with landscaping and building facade. Pedestrians should be engaged along Elliott Avenue; an existing bad condition is not justification for not improving the condition. The applicant should be prepared to demonstrate how the sidewalk level spaces within the Elliott Avenue façade provide for an enlivening of each of the street. In providing for some vehicular traffic leaving and entering the site from Elliott Avenue, the pedestrian realm is not to be ignored. Overhead weather protection along this façade seems appropriate. The design team should be prepared to demonstrate how both building and Bay Street corridor relate to the broader neighborhood context.

B-1 Respond to the neighborhood context.

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

B-2 Create a transition in bulk & scale.

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

B-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.

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

There is an inherent potential conflict between any new development and the existing pattern of lower residential and commercial buildings. There is an established fabric in the area and this new development should continue to demonstrate sensitivity to that fabric.

The Board considers the activation of Elliott Avenue important to the success of the project. A big challenge will be to provide for the parking without introducing elements that run counter to the best urban design principles and that may adversely affect the desirable qualities of downtown urban life. The above-grade parking portion of the proposed structure at Elliott Avenue should be designed to convey an impression that a neighborhood priority (according to the Belltown Design Guidelines) is to create "vibrant pedestrian-friendly streetscape."

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

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

Thoroughly explore inserting an intermediate use between the parking and sidewalk along Elliott Avenue. The façade along Elliott Avenue should be designed so as not to be without character or pedestrian amenity or interest. The north façade, facing the vacated Bay Street, should be designed to engage pedestrians who make use of the pathway between Western and Elliott Avenues.

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.

In order to enhance the pedestrian experience, the project should provide overhead weather protection continuously along Elliott Avenue as well as Western Avenue.

The Board noted that the project should explore opportunities to achieve a good human scale, especially the way entrances address the two street fronts as well as the way the entire lower portion of the north façade interacts with the Bay Street courtyard area.

Architectural materials, scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board was not prescriptive regarding materials, but would expect to see a choice of durable and sustainable materials and to be presented with samples of proposed colors and materials at the subsequent recommendation meeting.

D Public Amenities

D-1 Provide Inviting and Usable Open Space
Design public open space to promote a visually pleasing, safe, and active environment for workers, residents and workers, Views and solar access from the principal area of the open space should be especially emphasized.

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.

D-6 Design for Personal Safety and Security
Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.

The applicants were asked to rethink the propriety of the lower terrace along the south façade which appears to compromise the security and safety of residents occupying these lower units. A sad comment on the failure of the design would be the need to provide a security fence between the project and the sculpture park next door. Expression should be given to clear path-finding details distinct from vehicular driveways and design of appropriate lighting and signage within the Bay Street corridor, achieving a distinctive sense of place.

The design team should provide studies of the proposed pedestrian environment both along the streets and along the through-block connecting courtyard. The applicant should be prepared to present details for a variety of streetscape and pedestrian pathway amenities, including lighting, overhead weather protection, signage and other elements calculated to generate a friendly and lively environment at the perimeter of the site and within the Bay Street courtyard.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable courtyard area. The design should incorporate specific treatments to provide for attractiveness and an allure to the pedestrian through-site pathway and establish a genuine neighborhood amenity. The Board would expect to see a comprehensive Landscape Plan, one that treats not only the on-site open space but the streets' edges as well.

E Vehicular Access and 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.

As noted above, under "major issues," the base of the structure along Elliott Avenue remains an area of special concern. In order to provide safety and comfort and enliven the experience of those walking by, the parking garage should not be nestled directly behind the sidewalk-level façade. Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable interior open space, courtyard area. The design should incorporate specific treatments to provide for attractiveness and an allure to any pedestrian through-site pathway. The Bay Street corridor should be regarded as a neighborhood amenity. The Board expects to see a comprehensive and detailed Landscape Plan, one that treats not only the roof-top garden and the on-site corridor but the streets' edges as well.

<u>Departures from Development Standards:</u>

The architects preliminarily identified the following departure from development standards that would be needed for the preferred option:

- SMC 23.49.018: which requires overhead weather protection along the entire street frontages; the proposal would not provide overhead weather along the Elliott Avenue façade.

The Board, as noted above, indicated a strong reluctance to recommend a departure from the requirement of overhead weather protection along the Elliott Avenue façade. The Board did indicate, however, that they might entertain the recommendation of granting other requested departure(s), provided such departure requests were integral to an overall satisfying design and providing that design development responded adequately to the guidance regarding the desired relationship of the proposed building to the adjacent streets, pedestrian corridor, and sculpture park, as well as to the other provisions provided in the guidelines.

It was the expectation of the Design Review Board and DPD at the conclusion of the Early Design Guidance Meeting that the applicant would proceed to further design development and a Master Use Permit application. Plans submitted for the application would be expected to include a demonstrable response to the guidelines and guidance noted above. Subsequent to a successful Master Use Permit (MUP) application on and public notice the proposal would then be returned to the Design review Board for a Recommendation Meeting.

A successful MUP application was made to the Department on August 27, 2008. Public Notice of the application was given on September 19, 2008, with a public comment period running from until October 1, 2008. Public notice of a Design Review Board Recommendation Meeting was issued on October 9, 2008.

First Recommendation Meeting, October 28, 2008

A regularly scheduled meeting of the Design Review Board for Area 6, with three Board members in attendance, was held on Tuesday, October 28, 2009, at which time the development team set forth their developed design, the public was invited to offer comments regarding the proposed design, and the Board offered to the Director its recommendations regarding the design.

ARCHITECTS' PRESENTATION

The presentation of the design team began with a series of responses to questions that had been posed by the Board at the conclusion of the Early Design Guidance meeting held on January 8, 2008: "How is the project a *neighbor* to the Olympic Sculpture Park? How is the project a *neighbor* to the existing community elsewhere in the vicinity? And how does the project effectively meet the ground at each of its edges?

The design team responded to the second question first, suggesting that the building would be clad in high quality, durable materials that would offer the surrounding "emerging neighborhood" improved value and an increased sense of place. In particular, the project would include an improved connection between Western Avenue and Elliott Avenue in the form of a community amenity of a rare and special scale, distinguished by significant landscaping in continuity with that already established within the sculpture park.

In response to the first question the design team emphasized that the design as developed since January made a positive addition to the neighborhood and established an appropriate and well-considered edge to what has become in its brief existence one of Seattle's most cherished spaces.

The proposed design deferred to the park in several key aspects, including proximity, bulk and color among others. The design was intended to create a backdrop for the park. Establishing continuity with the sculpture park by means of on-site landscaping and the former Bay Street pedestrian connection was assured by the choice of landscape architect responsible for these elements. He was Charles Anderson, principal of Charles Anderson Landscape Architects, who had served as landscape architect for the Olympic Sculpture Park. Mr. Anderson spoke briefly of plans to establish and maintain continuity and consistency with the park in the design of the landscape and choice of landscaping materials.

Addressing the question of edges, the design team began with the park edge and illustrated how the proximity of the semi-public and private spaces was buffered by both the steep topography and the dense plantings of the park's northern edge. The southern face of the proposed residential structure was, in turn, separated by a fifteen-foot setback and buffer from the south property line of the site, creating a clear distinction between private and public uses. On Western Avenue a two-foot setback enabled accommodating a twelve-foot wide sidewalk. An entry canopy would provide a clear sense of entry as well as weather protection along this facade. The northern edge of the proposed building would interface with a densely landscaped pedestrian space. Along Elliott Avenue the building would be set back four feet to allow widening of the sidewalk as well as to allow a planting buffer between the sidewalk and the building.

The overall massing of the proposed structure was an elaboration of what had been shown as the preferred third option at the Early Design Guidance meeting. There were two connected rectangular boxes, with the Western Avenue portion slipping some thirty feet or so above the top of the box that rose from Elliott Avenue, but a new, bolder use of a series of external frames along the south façade created a distinct expression of a series of distinctive steps down the hill between Western Avenue and Elliott Avenue. As earlier, this scheme allowed for a large, usable recreational space on the lower roof. As in the two other schemes, vehicular access to the building would be from both street fronts, directly into the structure from Elliott Avenue and via a driveway from Western Avenue into the former Bay Street right-of-way that sloped westward and became lidded before turning into either the Airborne Express building or the new structure.

With more detail than had been shown at the Early Design Guidance meeting, the area north of the structure, including the entire vacated portion of Bay Street, would be enhanced as part of the proposal. Project work would include landscape and pedestrian improvements, including a series of open stairs that would create a pathway, with a more gradual pedestrian descent than at present, running between Western and Elliott Avenues.

The design team's presentation concluded with a showing of materials intended for the proposed structure.

After asking a number of clarifying questions following the architect's presentation, the Board elicited comments from members of the public attending the meeting.

Public Comments:

Four members of the public affixed their names to the sign-in sheet provided for the meeting. One resident from a nearby condominium building to the east of the site expressed concerns: about the adequacy of the proposed parking, view blockage, and about effects on the home values of those on the east side of Western Avenue. The comment echoed concerns that had

been expressed at the Early Design Guidance meeting regarding the bulk and scale of the proposed structure and its "fit" within the established "neighborhood character." Another member of the public suggested that the structure did not step back enough at the south property line. Another member of the public expressed the view that the design of the building was generally aesthetically lacking, and noted, more broadly, that the park had achieved "iconic" status and that any structure proposed at that location would detract from the sculpture park.

Board's Deliberations:

The Board began by acknowledging the positive aspects of the connections and linkages being explored by the project's proponents. It affirmed again the rich potential of the site for residential development and the responsibility of development on the site for respecting the sculpture park to the south which has become in the short interval since its opening one of the City's special spaces.

The Board acknowledged the effort of the design team to address the three main issues or questions the Board had raised at the Early Design Guidance phase of the project as being critical for a successful project, namely: How is this project a "neighbor" to the Sculpture Park"? How is this project a "neighbor" to the existing community around it? How does this project effectively meet the ground along each of its edges? Focusing on the first question, the Board thought the proposed design, given its prominent setting at the north edge of the Olympic Sculpture Park, set itself more competitively than neighborly. Specifically, the protracted "fin" or "slash" that ran up the building and swooped like a ski-run at the upper portion of the structure was thought to need "quieting." It was generally thought to be too disruptive, competitive as a backdrop to the park and was not perceived to be integrated into the design of the building itself. Likewise, the white frames showing on the south façade were thought to be "too brilliant" and "contrasty." They were "too top heavy." There needed to be less of a contrast between the frame and the other elements. The façade needed to be "quieted down." It was thought "not to be there yet."

Addressing the response to their initial third question, the Board noted that the proposed building's north-facing façade remained overwhelmingly blank and oppressive in relationship to the Bay Street pedestrian way. As one of the Board members expressed it, the structure "exudes the feeling of waiting for another building to be set there against it." The question was raised why, even given the back-of-house functions and sheer-wall requirements, some openings could not be provided to afford relief to the blankness. In general, the Board felt that the building wall, landscaping and pedestrian pathway still was in need of enhanced integration.

This related to the second issue of question, since the pedestrian passageway was a neighborhood passageway and would serve as a neighborhood amenity. The Board would expect to see, at the next meeting, more details of this courtyard area, of landscaping, materials, textures, pathway furnishings and artwork calculated to enhance the pedestrian experience, and with perspective images of these details and of the elements of the façade adjacent to it,.

Apart from Western Avenue, the meeting of building and ground still seemed somewhat awkward. The Board was not totally persuaded that the proposed relationship of structure and sidewalk along Elliott Avenue worked yet. Pedestrians should be engaged along Elliott Avenue; and the existing bad condition, while improved, did not seem remarkably improved.

As had been noted in their earlier guidance for the project, architectural materials, scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board was not prescriptive regarding materials, but would expect to see a choice of durable and sustainable materials and to be presented with samples of proposed colors and materials at the subsequent recommendation meeting which address their concerns about the heavy frame and the diagonal element portrayed in the design presented at the first Recommendation Meeting.

The Board requested that at the next Recommendation Meeting the design team should be prepared to provide studies of the proposed pedestrian environment both along the adjoining streets, along the through-block connecting courtyard, and from the sculpture garden as noted in the list below. The Board chair specifically requested that the development team should be prepared to demonstrate a number of items, including a deeper analysis of the neighborhood context, including diagrams, images and text, including a statement of how this analysis of the neighborhood context is influencing the specific design. To this end the applicants were asked to prepare plans showing the different levels of the proposed structure, including parking levels and rooftops, sections cut through the site in both the east-west and north-south directions which should include at least the beginnings of adjacent structures, and project elevations, incorporating any design changes not included in previous renderings. The architects were also asked to provide a variety of perspective drawings as seen from the pedestrian level, and to include a view from the south toward the site and level of the Richard Serra sculpture, in an attempt to examine the relationship of the proposed structure to the Olympic Sculpture Park as accurately as possible.

Other requested design studies for the next meeting were: rendered perspectives from close up within the pedestrian realm, showing canopies, entrances, terraces, and the experience of a pedestrian moving through the courtyard along the north edge of the proposed structure; a comprehensive landscape plan and renderings at various appropriate levels of the courtyard and structure; indications of the nighttime illumination of the project; and a materials board and/or actual material samples.

Additional elements expected for the next presentation should entail: clear responses to the priority guidelines and guidance given at the Early Design Guidance phase of the project, in both verbal and visual form; an exploration of the inclusion of artwork within the courtyard to tie it conceptually to the handsome small park across from the Airborne Express building and the Olympic Sculpture Park itself; a clear explanation and articulated justification for any requests for proposed departures from development standards; sun/shadow diagrams for various times of the day and seasons of the year; and , finally, a study model of the project, including substantial context.

Departures from Development Standards:

The architects noted that the departure preliminarily identified earlier, from SMC 23.49.018: which requires overhead weather protection along the Elliott Avenue façade, would not be needed since the Code did not require the overhead protection if a landscaped setback intervened between the sidewalk and the structure as was now being provided.

It was the expectation of the Design Review Board and DPD that the applicant would undertake further design development, which should include demonstrable responses to the guidance noted above. The proposal would then be returned to the Design review Board for another Recommendation Meeting, at which time the adequacy of the design's response to the stated guidelines and Board's guidance would again be evaluated.

Second Recommendation Meeting, April 14, 2009

Notice of a second Recommendation Meeting was given on March 26, 2009, The proposal, with modifications in response to the first Recommendation Meeting, was presented to the Design Review Board for Area 6 at a regularly scheduled meeting attended by five Board members on April 14, 2009.

ARCHITECTS' PRESENTATION

The presentation of the design team began with general comments regarding the project's response to the priority Design Guidelines identified by the Board as well as the guidance offered by the Board at the first Design Review Recommendation Meeting. It was explained that the form of the project was a simple profile created by the zoning envelope, except that the structure was set back 15 feet from the south property line to offer a greater separation of the basic structure from the edge of the Seattle Art Museum (SAM) Olympic Sculpture Park . Within the simple profile, the proposed structure was described as responding in each of its frontages differently. It was noted that the proposed residential structure would present four visible facades, a condition generally unusual, especially in a downtown setting, for other than public or institutional buildings.
Distinctively narrow facades would be presented to both Western and Elliott Avenues. A front door under a glass canopy, entering into a fully glazed two-story lobby, marked the Western Avenue street-level façade. Along Elliott Avenue the building would be set back to allow for a five-foot landscaping strip behind which would be a grill of channel glass planks.

The central portion of the Bay Street exterior would be comprised of textured stone against which there would be a play of light and color emanating from a series of diachronic glass fins. Tranlating from the Greek for "two colored," the word *dichroic* should more aptly be named *polychroic* since one piece of glass is capable of revealing multiple colors. Dichroic glass contains microscopic materials layered on the glass surface, giving it the ability to manipulate colors based upon the reflection of light. The qualities of the glass are not due to paints or dyes but result from a process that vaporizes metallic oxides (titanium, chromium, magnesium, etc) and deposits them in multiple layers on a sheet of glass.

An addition move was to increase the fenestration into the residential units and wrap this around both the northeast and northwest edges of the Bay Street façade.

On the opposite side of the structure, the Park-facing façade was described as a three-dimensional "tapestry of glass." Large balconies faced with glass were hung off the façade and separated by a glass column assembly which composed the whole into a series of vertical bays. The design team proposed an additional layer in the Park-facing façade by allowing plant material to grow along the vertical surface of the glass columns.

In addition to the structure itself, the project would include an improved connection between Western Avenue and Elliott Avenue in the form of a community amenity, described as of a rare and special scale, distinguished by significant landscaping in continuity with that already established within the sculpture park. As had been shown at the earlier Recommendation Meeting, the project work would include landscape and pedestrian improvements, including a series of open stairs that would create a pathway, with a more gradual pedestrian descent than at present, running between Western and Elliott Avenues.

The design team's presentation concluded with a showing of materials intended for the structure, including samples of proposed vision and spandrel glass, the diachronic glass fins intended for the north façade, the channel glass planks intended for the south façade, and the "Jerusalem" stone, in both a textured and smooth finish.

Public Comment:

Nine members of the public affixed their names to the sign-in sheet provided for the meeting. After asking a number of clarifying questions following the architect's presentation, the Board elicited comments from members of the public attending the meeting. A resident from a nearby apartment buildings to the east of the site expressed concern regarding the effects of shadows on the units within that structure. Another member of the public suggested that the structure did not step back enough at the south property line. Another suggested that any structure constructed at the site would detract from the experience within the park.

A representative expressed the concerns of the Seattle Art Museum (SAM) as follows: the Museum's preference would be no balconies at all on the south façade; they were concerned about shadows on the Serra "Wake" sculpture, particularly those depicted for 6:00 PM on June 21st; they would not like to see any billboards, i.e., advertisements of available units hanging off the south façade of the proposed structure.

Board's Deliberations:

The Board began by acknowledging the positive aspects of the connections and linkages being explored by the project's proponents. The Board affirmed again the rich potential of the site for residential development and the responsibility development on the site should assume for respecting the sculpture park to the south which has become in the short interval since its opening one of the City's special spaces.

The Board acknowledged the effort the design team had continued to make to address the major issues the Board had raised for the site at the Early Design Guidance phase of the project, those of proposing a structure whose design elements adequately addressed the SAM sculpture park, the broader neighborhood and whose individual facades addressed a specific context and met the ground in a convincing fashion.

The Board's specific comments were gathered under the headings of each of the four facades. Regarding the east façade, there was general consensus that the profile was elegant and well-proportioned. That said, there was also a strong suggestion that compositionally the east-facing expression could benefit from a "thickening" of the canopy located above the residential entrance. This precise thickening of the proposed canopy was recommended to the design team as an item for further exploration and study.

The focus of the Board's comments on the west façade was on the lowest level where the building would be set back to allow for sidewalk widening and to allow landscaping between the sidewalk and the building. At this lower level the proposed building would house a stairwell and two rooms containing building systems equipment, each faced with channel-glass planks. The Board thought it desirable that there be ambient lighting behind these glass planks that would enhance that area of the public sidewalk at nightfall and after. To this end they strongly recommended that the design team and development team should explore a system of interior lighting that would produce from within the structure a desirable glow to the glass planks.

Regarding the north façade, the Board commended the design team on their decision to extend the fenestration at both the east and west ends of the façade. The Board strongly affirmed the design that incorporated the "light mural" motif treatment of what otherwise might appear as substantial portions of blank façade. There were intrigued by and strongly supportive of the introduction of the pattern of integrated diachronic glass fins.

The south façade, providing the visual termination at the end of the Olympic Sculpture Park, received the most comment and discussion. Described by the design team as providing a backdrop or background to the sculpture park as a "three dimensional tapestry of glass," the south- facing façade elicited specific and spirited discussion regarding the proposed balconies and the recommendation of conditions regarding both landscaping and lighting within the fifteen foot setback area bordering the sculpture park.

There was some initial discussion regarding the size, composition, and proposed materials for the balconies. There was additional discussion whether their use (as storage spaces) should be restricted by home-owner or tenant regulations. Regarding the later issue the majority of the Board was in agreement that urban living meant accepting some level of urban messiness on the balconies. Providing adequate accessory storage within the units or elsewhere in the building, and adequate and secure bicycle storage in the building would help to alleviate some potential for balcony blight as might some standard rules for balcony use.

Another potentially troublesome element related to the balconies, brought up in the public comment period and further discussed by members of the Board, was the fact that both from within the sculpture park and from around it prominent sight lines to the south façade from the various perspectives would include significant views of the undersides of the balconies. The Board, however, was content to remind the design and development team that regard for the balcony undercarriages was of utmost importance to the successful projection of that south façade and no place to be cheap or neglectful.

Since the vines and columnar evergreens along the south façade were said to mitigate the imposing bulk of the façade facing the sculpture park, the Board recommended as a Condition of their approval of the overall proposal that a plan for the maintenance (and replacement, if necessary) of plantings as set forth in the landscape plan be submitted as approved by DPD. Additionally, the Board recommended as a Condition of their approval of the project that a lighting plan for the site be reviewed and approved by the Land Use Planner for DPD. This lighting plan should include lighting for the stairwell/generator/transformer spaces at the lower level of the west façade and should document collaboration and agreement between the development/design team and the Seattle Art Museum for lighting proposed within the fifteen-foot setback between the south façade and the Olympic Sculpture Park.

Four of the five Board members present agreed that the project should receive the Board's Recommendation of approval with the Conditions stated above.

Departures from Development Standards:

No departures from development standards were requested by the applicants.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements nor with state or federal laws, and has reviewed both the *Guidelines for Downtown Development* and *Belltown Urban Center Village Design Review Guidelines* and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in recommending the approval of this design. Regarding the first recommended condition, the Director finds that the Board's requiring the applicant/owner to maintain and replace plantings as shown on the landscape plan is in keeping with existing ordinances and regulations. For instance, Director's Rule 6-2009 clearly states that all plantings and landscape elements required as part of a land use permit must be maintained over time. The property owner is responsible for proper landscape installation and maintenance according to approved landscape plans, including but not limited to replacement of dead or dying plants. They may be subject to legal action as with any other violation of Land Use Codes and SEPA conditions if landscape elements are not installed per approved plans or not maintained for the life of the project (SMC 23.40.002).

Regarding the second recommended condition, the Director finds that requiring further departmental approval of a lighting plan, one that ensures a sensitive interface of the proposed development with the existing Olympic Sculpture Park, is consistent with the Board's overall direction given the applicant to respond to the neighborhood context and explore ways to be a good neighbor to the park. As a Design Review condition of this decision, a lighting plan, one that includes lighting proposed within the fifteen-foot area directly abutting the Olympic Sculpture Park, shall be submitted for approval by DPD. DPD will seek input from the Seattle Art Museum Olympic Sculpture Garden during its review of the lighting plan.

DECISION - DESIGN REVIEW

The proposed **design** is **approved** as presented at the April 14, 2009 Design Review Board meeting, subject to the conditions as enumerated below.

ANALYSIS – SEPA

This analysis relies on the *Environmental (SEPA) Checklist* submitted by the applicant and dated August 22, 2008 which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*," subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

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. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related air quality, noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

Air Quality

The existing on-site building will be demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing building, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of 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. Other than assurance that the

required notice to the Puget Sound Clean Air Agency has been provided, no SEPA conditioning of air quality impacts is necessary.

Construction Impacts/ Noise

The project may generate some loud noises during demolition, grading, and construction. The noise-level limitations imposed by the Noise Ordinance, Chapter 25.08 SMC, are generally considered adequate to mitigate the potential noise impacts of the proposal. Additionally, DPD will require a Construction/ Noise Impact Mitigation Plan that will anticipate and address any evening, nighttime or weekend noise-generating construction activities. This Construction/Noise Impact Mitigation Plan must be approved by DPD prior to any demolition, shoring, or construction permits being issued.

Pedestrian Circulation

There are a public sidewalks located on Western and Elliott Avenues, abutting the development site and currently providing predictable pedestrian pathways. These provide predictable paths for pedestrians traveling north and south along each of these corridors. Along Western Avenue there are no signalized crossings in the immediate vicinity of the project, nor marked pedestrian crossways between Denny Way to the north and Broad Street to the south, a distance of approximately a quarter of a mile. It is appropriate, therefore, to use SEPA policy authority to require that a safe and predictable path of pedestrian travel be established and maintained along the project site. Under SMC 25.05.675 B (Specific Environmental Policies, Construction Impacts) "mitigating measures to address adverse impacts relating to pedestrian circulation during construction may include, but are not limited to…covered sidewalks or alternate safe, convenient and adequate pedestrian routes and…limits to the duration of disruptions to pedestrian flow." It is essential as well as desirable that the sidewalk abutting the project site along Western Avenue and desirable that the sidewalk along Elliott Avenue be kept open and safely passable throughout the construction period. Any case for the need for the temporary closures of the sidewalk needs to be disclosed in a Construction/Noise Impact Management Plan which must have DPD approval. Any necessity judged to require a temporary closure of the sidewalk on Dexter Avenue N. must in each instance have DPD as well as SDOT approval. This condition is enumerated below.

Earth//Grading

The westernmost portion of the site includes a landslide prone environmentally critical area per the definitions of SMC 25.09.020 and any applications for grading excavation or construction on the development site will undergo environmentally critical area review. An excavation to construct the below grade parking for the proposal will be necessary. Approximately 17,800 cubic yards of soil and existing material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the

excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Environmental Health

The subject site is adjacent to the remediated UNICAL site, now occupied by the Seattle Art Museum Olympic Sculpture Garden. Borings in Bay Street as well as in the city-owned area west of Elliott Avenue have indicated the possibility of contaminated soils on the site. It is possible that some contaminated soils exist on the site and in the site vicinity and excavation could reveal contaminated water and soils within the subject site. The excavation will be monitored by an environmental consultant and if contaminated soils are identified the State of Washington Department of Ecology will be notified immediately (Maura O'Brien/415-649-7249/mobr@ecy.wa.gov) and a hazardous materials remediation plan put in effect. Remediation work will be professionally monitored throughout demolition and excavation. Details of procedures to be followed by the contractor shall be enumerated in the Construction/Noise Management Plan required as a condition prior to issuance of any construction permits being issued.

Site construction activities will comply with all applicable City and State regulations regarding the handling and disposal of contaminated water and soils that may be encountered on site. No further conditioning is necessary.

Historic and Cultural Preservation

The current structure located on the proposed project site and slated for demolition was built in 1939 and used by wholesale tobacco and cigar dealers as a warehouse. The concrete building currently is a parking facility. It is recorded in the 2007 Downtown Seattle Historic Resources Survey and designated as a Category 4 resource. Category 4 buildings are classified as "having been so altered that they would not qualify as Seattle Landmarks" and are not eligible for landmark nomination.

Approximately the westernmost 60 percent of the proposed development site lies within the Government's meander line of 200 feet and is within the Archaeological Buffer Overlay District. A cultural resources assessment of the project site was completed by Cultural Resources Consultants, Inc. a report prepared and published on August 20, 2008. No cultural resources have been identified within the project Area of Potential Effects (APE) and no additional investigations were required. In compliance with the applicable regulations and the cultural consultant recommendation to provide archaeological monitoring during the removal of the existing building footings, an archaeologist would be stationed on-site to monitor the excavations into the natural post-glacial deposits. Any archaeological discoveries would follow the protocols of an archaeological monitoring plan and tribal protocols for late discovery as set forth in Director's Rule 2-98.

No further conditioning of impacts through SEPA authority is required.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project may be limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

Truck trips will be generated during excavation, shoring, and foundation construction. A truck route for site excavation has not yet been worked out with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant. Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Energy

Electricity and natural gas would be the primary energy resources used for lighting, power and mechanical equipment. During operations, the noted energy sources would be used for project heating, cooling, ventilation, heating water for domestic use, and lighting. Energy conservation features and measures would be included in the building design. The proposed project would utilize measures to reduce energy consumption including: energy-saving lighting, high efficiency heating and air conditioning units, high-efficiency water heaters, and variable frequency drives on ventilation fans and exhaust fans for parking levels. The mechanical systems would be designed to comply with applicable City and State Energy Code requirements, and the City's Green Building program.

Environmental Health

Operational trips, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. An analysis of potential greenhouse gas emissions estimates that the project may result in lifespan greenhouse gas emissions of approximately 90,454 $MTCO_2e^2$. The carbon calculator utilized in this estimate does not fully factor in site location or the fact that the power will be obtained from Seattle City Light which is a carbon-neutral provider. The location of this project within an Urban Center, adjacent to transit and high-density housing, will enable transit use and shorter commuting times, potentially resulting in fewer vehicle miles traveled than other residential project locations.

Height, Bulk and Scale

The proposed structure has been designed in accordance with the development standards for the DMR/R 125/65 zone as outlined in Title 23, the Seattle Municipal Code. In addition, the project adheres to development standards for the DMC 65 zone for improvements within the north half of vacated Bay Street as well as to provisions specified in the Property Use and Development Agreement (PUDA) for the vacated portion of Bay Street. Proposed pedestrian and landscape enhancements within the vacated Bay Street parcel have been designed to help to preserve existing public views west towards Elliott Bay down the Bay Street corridor.

Although per SMC 23.41.012 departures from Land Use Code standards and requirements may be granted as part of the design review process, no departures were requested by the project applicant and none granted. As noted in SMC 25.05.675, "the City-wide design guidelines (and any Council approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in…[SEPA] policies. A project that is approved pursuant to the design review process is presumed to comply with these height, bulk and scale policies." No further conditioning of impacts through SEPA authority is warranted

Traffic and Parking

The scope of the Transportation Impact Analysis (TIA) prepared by the Transpo Group for the proposal and dated October, 2008, was based on discussion and determined by DPD to establish the study area, and the key traffic issues. The Transpo Group report evaluates net additional impacts of the proposed project. Based on the anticipated travel patterns of the project traffic, seven study intersections were identified in the formal impact analysis. The findings of that analysis are as follows:

- The project with the 78 residential dwelling units with potential occupancy of 144 persons would generate 24 new off-site trips during the weekday AM peak hour, 38 new off-site trips during the weekday PM peak hour, and approximately 330 new weekday daily trips.

- All of the seven study intersections currently operate at LOS C or better during but weekday AM and PM peak hours. By 2011, without the proposed project, operations at two of the study intersections the Elliott Avenue/Wall Street and Western Avenue/Denny Way are anticipated to degrade from LOS-B to LOS-C during the weekday PM peak hour. All remaining intersections would continue to operate at their current levels of service.

- The proposed project traffic would increase average delays at each study intersection. However, the increases in average delays at study would be less than 5 seconds which falls in the range of day-to-day fluctuations. Thus the delay time being negligible, all study intersections would continue to operate at their current levels of service.

- The Concurrency analysis indicates adequate capacity exists to serve the increase in travel demand resulting for the proposed project, and meets the City's concurrency standards.

- The project site would be accessed from the existing intersections of Elliott Avenue/Bay Street and Western Avenue/Bay Street. Both intersections would operate at LOS A during the weekday AM and PM peak hours.
- The anticipated spillover from the development and displacement of existing parking would generate a demand for a total of 36 off-site parking spaces. Based on the location of existing parking garages and surface parking lots located within 800 feet of the site, it is anticipated that the 36 spaces could be accommodated by the available supply.
- Specific off-site mitigation measures are not recommended, nor required, to reduce/offset the potential site-generated traffic impacts. The site is well-served by public transit King County Metro bus routes serve stops within a two to three block vicinity of the project site.

Parking

Vehicular access to the proposed building would be from an existing access off Western Avenue and from a new driveway access off Elliott Avenue. City's zoning regulations for the Downtown Zoning has no requirement for on-site parking. The proposed building includes a total of 62 parking spaces, which would be a tenancy amenity and "marketing" provision. A Parking Analysis was included in the Transpo Group Transportation Impact Analysis for the project, dated September 2008, submitted to the City as part of the application and review process. This was supplemented by a "Response to Correction Notice," dated November 10, 2008.

For apartments in the Central Business District and immediate surroundings a demand rate of 0.85 is commonly accepted, which would result in a parking demand for 66 vehicles. The anticipated parking demand would be able to be accommodated by the proposed parking supply. The project site currently provides public parking for approximately 36 vehicles. The existing parking supply would be displaced due to the proposed project. Peak parking demand observations during a typical weekday, mid-day period, as reported in the Transpo Group study, showed that 26 stalls were occupied. Based on the location of existing parking garages and surface parking lots located within walking distance of the project site (800 feet), it is anticipated that the demand could be accommodated by the available off-site parking supply. No further mitigation is necessary.

Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. A total of 75 -78 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to downtown and urban villages and along bus and bicycle ways minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

Public View Protection

The City's SEPA policies protect public views of significant natural or human-made features from designated public places; private views are not protected. The proposed development project is located adjacent to the Bay Street View Corridor (SMC 23.48.338, Map 1D). No structures would be placed within the vacated Bay Street area in order to preserve the view west toward Elliott Bay. The proposed pedestrian and landscaping enhancements to the vacated portion of Bay Street, adjacent the proposed structure, have been designed to preserve existing public views west toward Elliott Bay along the Bay Street corridor.

There is one park near the development site that is a designated City viewpoint, Myrtle Edwards Park. Because of the location of the proposed structure relative to the Space Needle and Myrtle Edwards Park, the proposal would not affect views of the Space Needle from that park. In addition, the proposal would not adversely affect views of the Downtown skyline, the Olympic Mountains, nor Elliott Bay from Myrtle Edwards Park or from other City-designated viewpoints.

City ordinances identify public viewpoints including specific scenic routes throughout the City. Several streets in the general vicinity of the project site have been designated as scenic routes; they include: Elliott Avenue, Denny Way, and Battery Street. Although the proposed building may be visible from places along these streets, the proposal would not negatively affect significant views from these designated scenic routes or from other designated viewpoints. In addition, the proposal would not affect views of Elliott Bay from Elliott Avenue.

The proposed building design and materials would, as noted under the Design Review analysis portion of this decision, create an appealing structure that fits within the Downtown urban fabric. The proposal would include a substantial area of landscaping where native plants, including a mix of deciduous and evergreen trees and shrubs, with groundcovers, all from the Pacific Northwest, would be used to continue the landscape theme established by the Olympic Sculpture Garden. Integrated within this landscape, a grand staircase would provide views of Elliott Bay waterfront and connect public plazas on Western Avenue and Elliott Avenue.

Shadows on Open Spaces

The Downtown Land Use Code provides some protections against shadow impacts created by development within the various downtown zones. The areas where shadow impacts may be mitigated, however, are: Freeway Park, Westlake Park and Plaza, Market (Steinbrueck) Park, Convention center Park, Kobe Terrace Park and the publically owned portions of the International District Community Garden. Otherwise, SEPA policy acknowledges that "it is impractical to protect private properties from shadows through project-specific review."

A shadow analysis, prepared by Blumen Consulting Group, Inc., dated August 22, 2008, and submitted as Appendix B to the SEPA checklist, found that shadows cast by the proposed project would not produce shadow impacts of Market (Steinbrueck) Park, the closest designated area where shadow impacts may be mitigated. Shadows cast by the proposed project are anticipated to shadow portions of the Seattle Art Museum (SAM) Olympic Sculpture Park during the year at roughly the 6 PM time of day. No mitigation is proposed because the extent of shadow impacts would occur at a time of day when use of the park by the public is minimal, shadows would affect only a small portion of the park, as well as the fact that the Olympic Sculpture Park is not one of the downtown areas where mitigation of shadow impacts may be considered.

Light and Glare

Sources of light following the project's completion will include lights from inside residential units, lighting within parking entrances, low-level landscape lighting, and shielded lighting at exterior pedestrian entrances. A solar-glare analysis, prepared by the Blumen Consulting Group. Inc., and consistent with the provisions of *Light and Glare Study, Phase 1 and Light and Glare Study, Phase11(City of Seattle, Department of Community Development, 1979 and 1980),* indicates that some glare is expected to occur on the east and west building facades during non-occluded sunrises and sunsets. The impact, however, is expected to be minimal.

While northbound traffic on both Western and Elliott Avenues could occasionally experience reflected solar glare from the building's facades, the impact for motorists would be of brief duration (no more than one or two seconds). Additionally, the facades of the proposed structure would be extensively modulated, primarily through the use of decks, which would lessen the solar-glare related impacts discussed in the analysis. Existing glare in the vicinity of the project site, generated by the existing 3101Western Av building, would be blocked by the new structure and would be expected to decrease the amount of overall glare in the project area. No significant environmental impact is anticipated on either Western or Elliott Avenue and mitigation is not considered necessary.

Public Services and Utilities

The increase in development on the site, type of development (residential), and the introduction of a residential population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application.

All utilities required to serve the proposed mixed-used residential/commercial development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

Existing and Projected Land Use

With the redevelopment proposal, the existing commercial parking structure would be demolished. A new residential apartment project would be built in its place. The land use of the site would thus be changed with the proposal.

The proposed residential project is compatible with surrounding uses and is located in an area of mixed commercial and residential uses. The development site is zoned DMR/R 125/65 and DMC 65. The redevelopment proposal is consistent with the DMR/R 125/65 and DMC 65 zoning of the property. Residential use is permitted outright in the DMR/R 125/65 zone. The proposal complies with development standards applicable to development within the DMR/R 125/65 zone.

It is the City's SEPA policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations and certain other policies identified in the City's SEPA ordinance. The subject proposal is compatible with surrounding uses, zoning, and City policies. No mitigation resulting from land use impacts is warranted.

Summary

In conclusion, certain adverse impacts on the environment are anticipated to result from the proposal. 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 - SEPA

The owner(s) and/or responsible parties shall:

Prior to Issuance of Demolition, Grading, or Building Permits

1. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency.

2. Submit to DPD for approval by the project's Land Use Planner and the Department's Noise Control Program Specialists, a *Construction/Noise Impact Mitigation Plan*, one that details, among other proposed construction activities, schedules for deliveries and any construction activities outside of normal construction hours, as well as a detailed plan for maintaining at all times a safe and predictable pedestrian pathways along the west side of Western Avenue and the east side of Elliott Avenue.

During Construction

3. The sidewalks adjacent the project site and running along the Western Avenue and the Elliott Avenue right-of-ways shall be kept open and made safely passable throughout the

construction period. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible because necessary for demolition, shoring, structural modification or other purposes, DPD shall be notified by the developer or general contractor at least three days prior to the planned temporary closure and a plan shall be presented and approved by DPD prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.

4. Construction worker parking shall utilize the on-site parking garage within the new structure when it becomes available.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of Building Permit

5. A lighting plan, one that includes lighting proposed within the fifteen-foot area directly abutting the Olympic Sculpture Park, must be submitted and approved by DPD. In reviewing the lighting plan DPD will seek input from the Seattle Art Museum regarding potential impacts to the Olympic Sculpture Park.

Prior to issuance of any Certificate of Occupancy

6. Construct a building with siting, construction materials, and architectural details, and install landscaping, both hardscape and planting materials, substantially the same as presented at the April 14, 2009 Design Review Board meeting and as contained in the approved MUP plan set.

For the Life of the Project

7. The property owner(s) shall be responsible for proper landscape installation and maintenance according to approved landscape plans, including but not limited to replacement of dead or dying plants.

Signature: (signature on file) Date: September 14, 2009
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MMD:lc

I:Dorcym doc/design review/Decision 3008148.doc