



City of Seattle

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

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

**Application Number:** 3012188

**Applicant Name:** Sean Sullivan, Hewitt Architects, for Third & Cedar LLC

**Address of Proposal:** 225 Cedar Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 27-story structure with 298 residential units over 921 sq. ft. of retail at grade. Parking for 191 vehicles will be provided in six levels below grade. Existing 8,880 sq. ft. office building to be demolished.

The following approvals are required:

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

**Design Review** – Chapter 23.41 Seattle Municipal Code (SMC)

**SEPA Determination:** [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

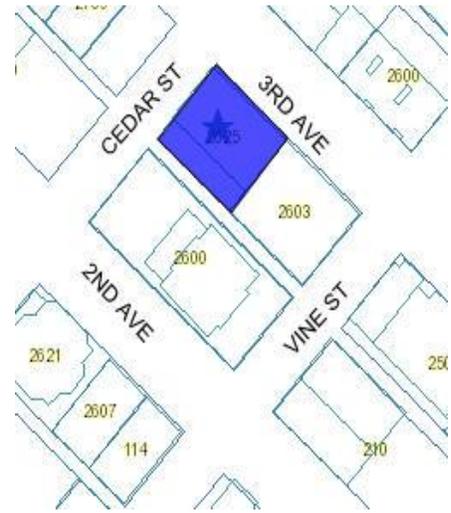
[X] DNS with conditions

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

\*On November 10, 2011, DPD published a Decision approving MUP application 3012188, a decision that was then appealed to the City of Seattle Hearing Examiner. Subsequently, the Department withdrew the published decision and the Hearing Examiner dismissed the appeal. The present decision is based upon a review of presentations made before the Design Review Board as well as upon revisions to MUP application 3012188 submitted to the Department by the applicant.

## **BACKGROUND INFORMATION:**

The 12,959 square foot Downtown development site is bounded by Cedar Street on the north, 3rd Avenue on the east, by an alley to the west and by Parcel #0656000130 to the south. Included within the development site is a single-story commercial building completed in 1954 and currently occupied as the American Lung Association building, a structure addressed as 2625 Third Avenue. The two-story Metropolitan Press building, addressed as 2603 3<sup>rd</sup> Avenue and currently housing a Rite Aid pharmacy, occupies the parcel directly south of the development site.



On-grade parking for 14 vehicles exists on site just off the alley. The proposed development will include demolition of the existing American Lung Association building and elimination of the existing surface parking. Parking for the proposed new development will be located below grade and will be accessed from the alley.

Third Avenue is a principal transit street and the right-of-way directly in front of the proposed new structure has recently undergone development to accommodate a soon-to-be-implemented Rapid Ride transit system.

The site lies within the Belltown Urban Center Village. The site and surrounding block, together with the full block to the south and half blocks to the east and west are zoned DMR/R240/65. The block to the north is zoned DMR/C 125/65. There are six different zone designations within a two block radius of the development site within this section of the Belltown neighborhood. The area exhibits a variety of buildings, interspersed with surface parking lots, with a large, newer mixed-use/residential development, including the Seattle Heights building directly across the alley to the west. A 17 story building with 184 residential units above a retail base, the “Alto” apartments, has been approved and is undergoing construction across Third Avenue directly to the east of the proposal site.

The site slopes perhaps five feet from east to west between Third Avenue and the alley as it mimics the waterwards slope of Cedar Street which cascades toward Elliott Bay more precipitously once it crosses First Avenue. Cedar Street is a designated Green Street with special street level requirements, including a combination of design features to enhance the pedestrian environment and its experience.

### **The Development Proposal**

The residential portion of the 27-story proposed structure would consist of approximately 298 units. Although there is no requirement for it, parking for 191 vehicles would be available in below-grade parking. A ground-floor would provide a residential entry lobby as well as some 921 square feet of retail uses.

The project is located in the DMR/R240/65 zone. In this zone, the minimum lot size for any structure to exceed 125 feet is 19,000 square feet (SMC 23.49.156 A1). To meet the minimum lot size required to construct a building exceeding 125 feet in height, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that: the total area of the combined lots meets the minimum lot size, all lots have frontage on the same avenue, any existing structure does not exceed a height of 125 feet, the lot coverage of both the proposed and existing structures does not exceed applicable lot coverage limits in SMC 23.49.158, and the fee owners of the abutting lots record with King County a covenant that restricts future development on the abutting lot to a maximum height of 125 feet and precludes the use of the abutting lots in combination with any other abutting lots for the purposes of meeting the minimum lot size requirements for any other lot.

It is the applicants' intention to utilize the provisions of SMC 23.49.156 A to exceed the 125 foot height limit. The fee owners of Assessor's parcel 0656000130 shall execute a deed or other agreement, recorded with the King County Recorder's Office, as an encumbrance on Assessor's parcel 0656000130, that restricts future development on Assessor's parcel 0656000130 to a maximum height of 125 feet for the life of the project permitted under this MUP, and that precludes the use of Assessor's parcel 0656000130 in combination with any other abutting lots for purposes of meeting the minimum lot size requirements for any other lot.

The property owner has filed an application for a Lot Boundary Adjustment to modify the lot line separating the American Lung Association parcel (lots 5 and 6) and the Metropolitan Press building parcel (lots 7 and 8). Lot Boundary Adjustment 3013134, addressed as 2625 3<sup>rd</sup> Avenue, the street address of the American Lung Association building, proposes to move the lot line separating lots 6 and 7 so that the combined width of lots 5 and 6, now measuring 120.02 feet would be reduced to 119.99 feet, while 0.03 feet would be added to the combined width of lots 7 and 8. The combined area of lots 5 and 6 would thereby be reduced from 12,959 square feet to 12,955 square feet. The combined area of lots 7 and 8 would be increased from 12,961 square feet to 12,965 square feet. Both the current lot line between lots 5 and 6 and the proposed new lot line separating lots 5 and 6 lie under a portion of the American Lung Association building.

The project site will be required to dedicate to the City for alley purposes a two-foot strip along the west property line abutting the eastern edge of the alley right-of-way. The subject project will dedicate the required 2 feet to the widening of the alley along the alley's eastern edge. When it was constructed, the Seattle Heights building, across the alley to the west, was not required to dedicate two feet of its property for widening of the 16-foot wide alley. The subject proposal will set the new structure back an additional 1.5 feet from the eventual alley property line, effectively widening the alley to 19.5 feet along the project's alley frontage to be more in keeping with the normative 20-foot alley in downtown zones.

### Public Comments

Public comment was invited at the initial Master Use Permit applications and at the two Design Review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below. Written comments were primarily concerned with view blockages from nearby properties and what was considered a surfeit of residential structures already within the area.

## **ANALYSIS – DESIGN REVIEW**

### **Early Design Guidance Meeting, April 12, 2011**

#### **ARCHITECT’S PRESENTATION**

The Board chair opened the meeting at 5:30. The project description, the Board chair explained, was for a 26-story residential tower above at-grade retail space, for an overall height of 240 feet, and the Board’s role was to offer Early Design Guidance for the proposed development.

The DPD Land Use Planner noted that the Design Review Board had previously reviewed a residential tower project in the same location and by the same applicant as the present project. The project had acquired additional new property and had elected to get a new project number and begin anew the design review process for the new project.

The architect, David Hewitt of Hewitt Architects, began his presentation to the Board utilizing an urban design diagram showing the neighborhood context and zoning. Mr. Hewitt showed the existing trees in the neighborhood and reviewed the existing neighborhood properties. The existing buildings on the site are a Rite Aid pharmacy (in the Metropolitan Press building), and the American Lung Association building. Mr. Hewitt explained that the reason the project included the Metropolitan Press building site was to utilize the minimum lot size requirements in the Land Use Code. Mr. Hewitt stated that should anything ever be constructed on the Metropolitan Press building parcel that it would be limited to 125 feet in height because of the limits imposed by the Land Use Code. Mr. Hewitt further clarified that nothing was proposed to be built on the metropolitan Press building site as a part of the present proposal and that nothing was anticipated to be built, as Rite-Aid enjoyed a long-term lease on the property. To indicate to the Board what eventual development could look like on the block, however, Mr. Hewitt showed a 125-foot tower on the Metropolitan Press site as “Phase Two” of possible future development. “Phase One” was the residential tower being presented and at issue before the Board.

Mr. Hewitt presented the Board with three different massing diagrams. Each of the massing diagrams was the same at the base. All the presented diagrams proposed to widen the sidewalk on Cedar Street. Each of the massing diagrams would propose vehicular garage entry/exit from the alley as specified in the Land Use Code. In order to create a safe alley with enough maneuvering space for cars and services, all three schemes would propose an alley wider than that required by the Land Use Code (the Land Use Code requires only a 2-foot dedication).

The first massing scheme would provide a courtyard between the Phase 1 and 2 developments. The upper level corners of the building would step back, culminating in very small upper level floor plates with little modulation. This massing scheme would resemble three large stacked blocks, and would project out into the alley. The proposed base of the first massing scheme would be delicate and transparent, with edges manipulated to create interesting lines.

The second massing scheme was similar to the first but would create more terraces for residential units and more modulation at the lower levels. Different modulation would be provided toward the Seattle Heights building and the corner facing the building would be cut back. The building would also step back as it rises above the podium.

The second massing scheme proposes a more substantial vertical element on the east face of the building, with a more substantial frame at the podium level. The podium would be constructed of a masonry base that would pick up on the dark masonry of the neighboring Metropolitan Press Building. The skin of the tower was predominately of glass.

The third (and preferred) massing scheme would consist of an articulated base with essentially two large “steps” in the tower element from the base to the top. This scheme proposes delicate sunscreens that would clip the lower base, but would simplify the massing. The massing pattern would maintain a rhythm with the Seattle Heights building and would respect its massing scheme. The third massing scheme is preferred because the first scheme seemed too heavy on the top with three “blocks” of massing. The second scheme seemed too busy, although the strong masonry bands were thought to provide interest. The third scheme was the most slender of the three, with metal and glass suggesting a lighter composition and sunscreens lightening the podium element.

Reference was made to page 3 of the design review presentation packet where the applicants had selected those design guidelines which they thought were most pertinent to this project. Among these were the following: A-1, A-2, B-1, B-2, B-4, C-1, C-3, C-4, C-6, D-1, D-3 and E-2. No departures were requested for any of the three presented schemes.

Following the presentation, the Board members asked a few clarifying questions prior to opening the meeting to public comment.

- 1) One Board member asked whether the project was proposing anything over the Metropolitan Press building at this time. Mr. Hewitt stated no, that Phase 2 was not a part of this MUP and would be required to go through design review, and that the team was showing the Board what eventually could be built there due to the limitations of the minimum lot size requirement of the Land Use Code. A tower not exceeding 125 feet could be built on that parcel.
- 2) Another Board member asked whether the green terraces in the scheme were proposed as public spaces. Mr. Hewitt stated that the upper level terraces would be private either for individual units or for open space for building residents. The large green space between Phase 1 and 2 developments was proposed to add a softness to the views from above for both residents of the proposed building and for neighbors.
- 3) A Board member asked whether the Metropolitan Press building was a landmark? Mr. Hewitt stated that no, it is not, but that it is a highly regarded building.
- 4) A Board member asked whether the glass on the outside of the tower was intended to be a smooth skin? Mr. Hewitt said yes it was.
- 5) A Board member then asked why the elevations on all of the schemes overhang the alley? Mr. Hewitt stated that the floorplates are really small on this site because of the green streets requirement, so they had to push back over the alley.
- 6) Finally, a Board member asked whether Phase 2 could be built—does the Land Use Code require tower spacing here? Mr. Hewitt stated that no tower was proposed here, so no tower spacing would apply.

**Public Comment**

- 1) A resident of the Seattle Heights building across the alley stated that the alley, even with the proposed widening, was still too narrow. Seattle Heights also exits its garage onto the alley, and the Seattle Heights' loading dock is also located there. She stated that when you add cars to the alley, and more deliveries, it's going to be very difficult to drive in the alley. She requested that the building set back even more from the alley to allow a wider drive aisle. She also requested that any venting for the project be directed away from the Seattle Heights building.
- 2) Another resident of Seattle Heights commented that the Space Needle was an iconic structure and expressed her hopes that the project would be sensitive to preserving views of the needle from everywhere, even peek-a-boo views. She agreed with the comments expressed by the other resident of Seattle Heights regarding the alley.
- 3) A third resident of Seattle Heights (for 9 months) noted that he was an urban planner and wanted to live in an iconic building, which he found in Seattle Heights. He stated that he liked the lighting on top of Seattle Heights. He hoped the Board would look at a tapered building. The project would create shade and shadow on Seattle Heights' open area at the north part of their building, which now gets sun in the winter. He suggested that the Board require a master plan for the Phase 1 and Phase 2 developments since the projects needed to be integrated. The entry of the proposed building should be iconic – “you need to know where the entrance is—make it a statement with materials and colors. When you make an iconic building it will last.” The resident handed in a 3-page comment letter to DPD expanding the design comments delivered at the meeting.
- 4) The president of the Homeowners' Association of the Seattle Heights building introduced the former President of the Association who offered the Board a copy of the Board's previous guidance and design review minutes from the previous project in September. The previous project, he noted respected Seattle Heights by pulling elements of the building away from Seattle Heights; in exchange for this, the Board granted a departure that ultimately allowed the building to gain extra developable area. Although this is a different proposal, he noted, it is the same site, and should be held to the same guidelines as before. There was nothing in any of the three massing diagrams presented this time, he stated, that showed the development pulling away from the Seattle Heights building. In fact, the new project did the opposite. Just because this building did not propose a request for any departures, he noted finally, did not mean that the project should not be required to acknowledge and address the presence of Seattle Heights.
- 5) The Seattle Heights' resident who had spoken first commented again and asked if there was a way to put in two big buildings on this site rather than just one? The Land Use Planner stated that the Land Use Code would not allow two 240-foot tall buildings in this location and that any development on the site of the Metropolitan Press building would be limited to 125 feet in total height should it be developed.
- 6) Finally, another member of the public commented that he thought that the Board should look at the impact of the project on several existing buildings. There are empty retail spaces and empty parking lots everywhere, he noted, and asked: “Why doesn't the project develop in one of these other locations?”

### **Board Discussion/Early Design Guidance**

One of the Board members stated that she liked the preferred massing alternative for the same reasons as Mr. Hewitt did: it was a well-integrated scheme and it turned the corner better. She noted that she was looking forward to seeing this scheme developed in greater detail. She hoped that the designer's experience of already designing a similar project on this site would allow the designer to really show a significant amount of detail at the recommendation meeting.

Another Board member commented that the interaction of the building and the alley would be important, and that it would be important to deal with the issue of the extra traffic on the alley. He liked the pedestrian-related corner at 3<sup>rd</sup> and Cedar and also was looking forward to a more detailed rendering of the building. He recommended that the development team should remember the types of details that were included in the previous project, especially the canting away from the alley at the upper levels that gave the previous proposal not only a commodious fit at the beltline of the alley but provided a certain *éclat* to the overall design of the structure.

Another Board member noted that both options 2 and 3 did a good job of breaking down the massing, but that option 3 had more "character." The modules of the building broke down in different directions, and brought more sunlight into nearby buildings. He also stated that under the SEPA process the project might need to study the impact of the new traffic on alley operations, but that this is not something that the design review board looks at. He commented that he particularly liked the landscaping at the street level and appreciated the way the proposed building turned the corner for people at street level.

The Board chair stated that he concurred with his fellow Board members regarding the massing scheme. He commended the design team for providing underground parking and utilizing alley access. The width of the alley was said to be an issue for him and he noted that he was unsure where the loading functions would occur and not conflict with other uses in the alley. He requested more information to understand how the alley would operate. He also stated that right now the top of the building just stops at the sky and that he would like to see more detail how the top of the building might relate to the skyline. Another Board member interjected that he thought that the skyline detail would come as the building is further developed.

One Board member disagreed with the Chair and stated that since this is a modern building, similar to the Norton Building which has no cornice but is clean where it meets sky, she would like the top of this building to be kept fairly clean. The Board chair responded that he is concerned with how a plain top may look from a distance. He then stated that he agreed with the concerns of two other of the Board members about the moves the previous project took. This project, like the previous development proposal on the site, would need to think about how it is impacting its close neighbor across the alley, Seattle Heights, and would need to tell the Board the design thought process it has going through at the time of the next meeting. He then observed that the southern façade looked less finished than the other facades. This façade is just as important, he commented, and will continue to be seen in the future even with possible construction on the Metropolitan Press building site. The south façade stood in need of more development and the Board would expect that design development to be shown in greater detail, and in renderings both at close hand and at a distance, when the development team returned for a recommendation meeting.

Having made those comments, the Board agreed that the project should move on to MUP application and be returned to the Board for a recommendation meeting.

## **DESIGN GUIDELINES**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design those guidelines found in the City of Seattle's *Design Review: Guidelines for Downtown Development* which are to be considered of highest priority for this project. In addition, guidelines which are to be considered of highest priority for the project were cited from *Design Guidelines for the Belltown Urban Center Village* where applicable.

### **A Site Planning and Massing**

#### ***A-1 Respond to the Physical Environment***

***Develop and 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. The Board liked the way the orthogonal base re-enforced the existing urban form while still leading the pedestrian around the corner at Third and Bell.

#### ***A-2 Enhance the Skyline***

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

As noted in the Board deliberations above, there was some discussion regarding whether the structure should wear a cap and what a proper cap to this structure would be.

#### ***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 Board members were pleased that the scheme of alternative 3 showed promise of a visually attractive building that could add richness and variety to the existing Belltown landscape. Additionally, the Belltown guidelines would require a harmonious transition between the intended tower and the two-story older building (Metropolitan Press Building) located at the corner of 3<sup>rd</sup> Avenue and Vine Street. Associated with the Board discussion there had been several comments by Board members regarding gestures, as had been incorporated into the design of the earlier iteration of a structure on the same site that would acknowledge, without necessarily being deferential to, the structure across the alley (the Seattle Heights building).

#### ***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 the development of nearby less intensive zones.***

New buildings should be compatible with the scale of development surrounding the building site and the Belltown guideline extends the consideration of sensitive transitions to abutting structures within the same zone, in this case the Metropolitan Press building at 2603 3<sup>rd</sup> Avenue. Remarks under B-1 above indicate the Board's interest in how this transition will be handled.

***B-3 Reinforce the Positive Urban Form and 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 Board was not interested in slavish imitation of attributes but rather an acknowledgement of datum points and siting characteristics within the neighborhood, relating both to vintage and newer construction.

***B-4 Design a Well-proportioned & Unified Building  
Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.***

The Board indicated a general affinity for alternative three which maintained an orthogonal relationship at the base with both Cedar Street and Third Avenue. The Board would await the development of that design to adjudge the success of the integration of the various elements of the building into an integral whole. (There are no supplemental Belltown neighborhood guidelines relating to B-4.)

***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.***

Development of the new Rapid Ride bus stop in front of the building on Third Avenue will be a pedestrian generator on an already busy pedestrian street. Wrapping the proposed Green Street amenities around the corner at Third Avenue and Cedar Street and clearly linking the two pedestrian realms was a significant gesture. Building overhangs and overhead weather protection along both street-facing facades would also be essential elements of the integrated wrap. Pedestrian-scale sidewalk lighting, especially at entries, seating and creative landscape treatments, including planters and trellises, water features and inclusion of art elements and accent paving are some of the specifics detailed in the Belltown-specific supplemental guidance to C-1.

***C-2 Design Facades of Many Scales***

This guideline was cited in reference to the Board's discussions regarding the importance of the composition and detailing of the south façade.

***C-5 Encourage Overhead Weather Protection***

This was cited by the Board as always of major concern for downtown projects.

***C-6 Develop the Alley Façade***

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

Following up on several comments from members of the public, the Board emphasized their own concerns that the alley façade and its relationship to the structure across from it was an important issue for them as it had been in the earlier proposal of a building for this site. Among those concerns would be the impacts of utility equipment. Additionally, several considerations that are contained in the Belltown supplemental guidelines were applicable. In designing a well-proportioned and unified building, the alley façade is not to be ignored. It should be treated with form, scale and materials similar to the rest of the building, thereby creating a coherent architectural concept.

***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.***

A is the integration or “wrap” of landscaping and amenity features where the pedestrian realms of Cedar Street and Third Avenue meet. As noted in the Belltown specific guidelines for D-1, the successful design of an open space adjoining a sidewalk is determinative of the success of creating a broader environment where building and streetscape are in harmony.

***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 residential entry off Cedar Street provides an opportunity to create a special downtown space, given the challenge to integrate this area into the Green Street improvements along the half block of Cedar Street. There is also a special opportunity to wrap the Green Street ambience around to Third Avenue. The sidewalk along Third Avenue should not be relegated to the utilitarian designation of “bus stop.” As noted in the Belltown supplemental guidelines, new installations on 3<sup>rd</sup> Avenue should be “civic” and substantial and reflective of the role the street plays as a major bus route, but with creative design the sidewalk along 3<sup>rd</sup> Avenue in front of the proposed structure can still be imbued with a memorable sense of place that will be associated with the building.

***D-5 Provide Adequate Lighting, and D-6 Design for Personal Safety and Security***

Each of these guidelines were selected to be of highest priority as they need to be applied in particular to the ground-level alley façade treatments and generally to upper-level alley-façade treatments.

***E-2 Integrate Parking Facilities***

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

***E-3 Minimize the Presence of Service Areas***

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

These two guidelines were called out as being of highest priority to the success of the project particularly as impinged on development of the alley area and alley façade. Among other considerations, the Downtown guidelines call for using a portion of the top of the parking level (in this case, entry) as deck, patio, or garden. The Board also indicated a desire to see demonstrated the functional interactions and potential conflicts between garage entries on either side of the alley since Seattle Heights already has a garage entry directly across from that proposed as part of the new development.

Since compatibility between neighbors was a major motif of the meeting, the Board encouraged the design team to explore options that might reduce conflicts between garage entries and utility functions at the alley. (There is no supplemental guidance under these heading provided in the Belltown-specific guidelines.)

DPD concurred with the Board's recommendation that development of the design should follow the Board's General Directives and Guidelines selected to be of highest priority for the project as noted above and proceed to MUP application.

### **Recommendation Meeting, July 12, 2011**

#### **ARCHITECT'S PRESENTATION**

The Board chair opened the meeting at 5:30. The project description, the Board chair explained, was for a 27-story residential tower above at-grade retail space, for an overall height of 240 feet. The Board's role was to determine whether the applicant had adequately responded to the Early Design Guidance that the Board had earlier articulated for the proposed development.

The DPD Land Use Planner noted that, although a residential tower project in the same location and by the same applicant as the present project had earlier been reviewed under a 3<sup>rd</sup> Avenue address, the address assigned for the present project was *225 Cedar Street*.

David Hewitt of Hewitt Architects made the presentation to the Board on behalf of the Design Team. The presentation was premised upon a half-block site that contained two existing buildings, a Rite Aid Pharmacy (the Metropolitan Press Building) and the American Lung Association building. Mr. Hewitt explained that the present proposal was for the tower to replace the American Lung Association building only, and that there was no development proposed for the Metropolitan Press building. That site was included in the application only so that the project could utilize the minimum lot requirement standards in the Land Use Code.

The proposal was for a refined articulation of the third massing scheme presented at the Early Design Guidance meeting of April 12, 2011. As in the earlier presentation, the structure would consist of an articulated base with two major "steps" in the tower element as it faces Cedar Street. The massing pattern was said to maintain a rhythm with the Seattle Heights building and, it was explained, would respect its massing by canting portions of the proposed tower away from the alley and the neighboring tower. The preferred scheme provided a profile that was essentially slender, with the metal and glass of a high span window wall system providing for both versatility and an overall feeling of a "light" composition.

Following the presentation, the Board members asked some questions of the applicants to clarify for themselves elements of the presentation prior to opening the meeting to public comment.

- the ground floor of the structure as proposed would be set back from 3<sup>rd</sup> Avenue and even more so from Cedar Street;
- in addition to a two-foot dedication, the building would be set back an additional foot-and-a-half from the alley to increase maneuvering room on the alley;
- the entry to the underground parking had been adjusted away from the parking entry to the Seattle Tower;
- no departures from development standards were being requested;
- the building would have operable windows;
- while no major development was being proposed atop the Metropolitan Press (or Rite-Aid) building at this time, at a point slightly less than 65 feet above grade the top twenty stories of the proposed structure would cantilever over the Metropolitan Press structure which would be retained on site; any other development at that portion of the site would be required to go through design review; due to Land Use Code requirements a tall tower similar to the one proposed could not be built on the Metropolitan Press site, so long as the contemplated project exists.

### **Public Comment**

Even with a proposed 2 foot dedication and 1.5 foot additional setback from the eventual alley property line, the alley was thought by some to still be too narrow to accommodate the demands of traffic. The loss of views now afforded the Seattle Tower was lamented and expressed as such by some who attended the meeting.

### **Board Discussion and Recommendations**

The Board commented favorably on how the orthogonal base re-enforced the existing urban form while still leading the pedestrian around the corner at Third and Bell, creating a lively pedestrian environment enhanced by substantial landscaping. The proposal more than adequately had complied with Design Review Guidelines A-1, B-2, C-1, C-6, D-2, chosen by the Board as of highest priority for the success of the project.

The Board noted favorably the additional setback from the alley and the canting of the west-facing bays away from the alley. The overall massing of the tower was regarded as thoughtful and the composition was regarded as a well-integrated scheme appropriate for the site. The proposal more than adequately had complied with Design Review Guidelines A-1, B-2, C-6, D-2, E-2 and E-3, chosen by the Board as of highest priority for the success of the project.

There was some discussion regarding the effectiveness of the treatment and of the subtleties, perceptibility, and desirability of gestures undertaken to establish a sense of continuity between the proposed lower portions of the 3<sup>rd</sup> Avenue façade with the existing Metropolitan Press building. The majority of the Board finally felt that the proposed treatment showed respect for the neighboring building. It neither neglected the existing façade nor was it an obsequious response to it. The treatment generally worked and was thought to be a desirable effort, one that complied with Design Review Guidelines B-1, B-2, and B-3, chosen by the Board as of highest priority for the success of the project.

Another question was raised by one Board member asking whether the rooftop treatment appeared “too busy.” Again, the majority of the Board thought that the treatment worked and that there were no vantage points from which *busy-ness*, if any, would be perceived. The building was thought to comply with Guideline A-2, chose by the Board to be of highest priority for a successful design.

Finally, a question was raised regarding the effectiveness of the treatment of the south-facing façade which would remain largely visible since tall development above the Metropolitan Press building would likely be restricted for a long period of time. Several members of the Board pointed to significant design development that had occurred to the south façade since they had viewed the proposal at the Early Design Guidance meeting. One of the Board members, however, strongly suggested that there was still room for consideration and improvements and the other Board members agreed that as a part of the Board’s approval of the project, the design team be requested to take a “second look” at that façade treatments and work with the Land Use Planner to tweak and improve the overall effectiveness of the design and treatment of the south-facing façade. With that additional provision, the design was determined to comply with Guideline C-2, B-4 and the other Guidelines chosen to be of highest priority for a successful project at this site.

Having discussed and resolved the above issues, the Board agreed in their recommendation that the project should be approved as presented and conditioned as at the meeting.

### **Design Departures**

The applicants indicated to the Board that they were seeking no departures from development standards for their proposal.

### **DECISION – DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines and after having heard public comments on the project’s design, the five Design Review Board members present unanimously **recommended approval** of the subject design **with conditions noted below** and unanimously **recommended approval** of the requested design departure.

The Land Use Code states (SMC 23.41.016 F3) that “if four (4) or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval,” unless the Director concludes that the recommendation of the Design Review Board reflects inconsistent application of the design review guidelines, does not exceed their authority or conflict with SEPA conditions, nor conflict with other requirements of state or federal law.

Board's Recommended Condition(s)

At the Design Review Recommendation Meeting on July 12, 2011, the Board members agreed that as a part of the Board's approval of the project, the design team should be requested to take a "second look" at that façade treatments and work with the Land Use Planner to tweak and improve the overall effectiveness of the design and treatment of the south-facing façade. With that additional provision, the design was determined to comply with Guideline C-2, B-4 and the other Guidelines chosen to be of highest priority for a successful project at this site.

The Director of DPD has reviewed the recommendations of the five Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Downtown Development* and do not conflict with regulatory requirements.

Subsequent to the Design Review Board Recommendation Meeting of July 12, 2011, there have been a number of minor revisions to the siting and design of the proposal presented at the July 12<sup>th</sup> meeting. Preeminent among these revisions are the following: the development site identified for the proposed structure no longer includes, as formerly proposed, the parcel upon which the Metropolitan Printing building is seated; the upper portion of the structure that previously was cantilevered over a portion of the Metropolitan Press site and building has been pulled back to be contained within the parcel now occupied by the American Lung Association building; additionally, that portion of the proposed structure that had projected into the alley has been pulled away from the centerline of the alley.

The Director of DPD has reviewed the recommendations of the five Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Downtown Development* and do not conflict with regulatory requirements.

The proposed design is **APPROVED** as presented at the July 12, 2011, Design Review Board meeting, with the above mentioned changes and other minor adjustments.

**CONDITIONS**

Design Review conditions are listed at the end of this report.

**ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist* for the proposed development, as submitted by the applicant on May 19, 2011, and as revised on March 13, 2012, which disclose 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.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

### Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
  - *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts. Any need to address specific additional noise restrictions because of particularly sensitive sites nearby will be addressed in the Construction Impact/Noise Impact Management Plan to be approved by DPD and SDOT prior to issuance of any construction permits.

### Traffic and Circulation

Site preparation would involve removal of the existing asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 24,000 cubic yards of material would be excavated and removed from the site. Existing City code,

Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

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

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

#### Long-Term Impacts – Use-Related Impacts

##### *Historic Preservation*

The Metropolitan Press building, currently occupied as a RiteAid pharmacy, located on the south half of the development site at 2603 3<sup>rd</sup> Avenue, was nominated by the Department of Neighborhoods as a City of Seattle Landmark on October 5, 2011. At that meeting the Seattle Landmarks Preservation Board voted to deny the nomination. The majority opinion to deny the nomination was based on the finding that this property does not have the integrity or ability to convey its significance, as required by SMC 25.12.350.

SMC 25.05.675 H provides for SEPA review of structures on projects involving sites that may meet the criteria for designation as a City landmark. SMC 25.05.675 H,2c states that "if the project is rejected for nomination, the project shall not be conditioned or denied for historic preservation purposes...." As such, no mitigation for historic preservation purposes is warranted or required.

In addition, the Landmarks Preservation Ordinance (SMC 25.12.850 A) provides that if the Board disapproves a nomination, landmarks proceedings on the nominated property are terminated and the property cannot be again considered for nomination for a 5-year period, except with the written approval of the owner. Finally, since the nomination has been disapproved by the Landmarks Board, and since the Metropolitan Press building is therefore not a designated site or structure, no adjacency review by the Department of Neighborhoods of the subject development proposal is required.

##### *Land Use*

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, including but not limited to Section B-5 of the land use element of the *Comprehensive Plan*, and the Land Use Code. No significant adverse land use impacts are identified, and therefore no mitigation is warranted or required.

### Traffic and Transportation

The Environmental Checklist includes a Transportation Impact Analysis prepared by Heffron Transportation Inc. The *Third & Cedar Mixed Use Redevelopment-Transportation Impact Analysis*, dated November 16, 2010, was prepared and submitted in support of MUP 3011119, an application by the same owner for a 19 story building with 204 residential units and parking for 134 vehicles on the north half of the development site. Since the present proposal would increase the number of residential units (from 204 to 300), provide a slightly smaller retail space (3,500 rather than 4,000 square feet), and provide additional parking (160 rather than 134), an updated transportation analysis, *Third & Cedar Mixed-Use Redevelopment UPDATED Transportation Impact Analysis* (14 pages) was submitted to DPD in support of MUP 3012188 on May 14, 2011. This report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project, and evaluates the impact of these new trips on the level-of-service of intersections in the study area.

In project year 2013, the project is expected to generate 890 vehicle trips to the surrounding street system per day, including 67 vehicle trips during the AM peak hour and 84 during the PM peak hour. As demonstrated in the traffic impact analysis, off-site traffic operations would be essentially unaffected by the proposed project. There would be, however, with the additional on-site parking, a focus of peak hour project-generated traffic to the alley intersection with Cedar Street. Residents would likely use Cedar Street to access the parking garage via the alley. The Transportation Impact Analysis shows, however, that even if all the PM peak hour project-site traffic were concentrated at the one alley intersection with Cedar Street. All movements to and from the alley would still operate at LOS (Level-of-service) "B" or better. In addition, as part of the Design Review process, the applicant voluntarily relocated the proposed garage entry on the alley to reduce potential conflicts with the Seattle Heights condominium building underground garage entry across the alley, improving safety and lessening potential negative impacts on queuing and delays. According to the Heffron updated study, the project is not expected to result in any adverse impacts to site access nor to local area traffic operations. As such, no traffic mitigation under SEPA is warranted or required.

### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 5-2009 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The three evaluated screen-lines included in the Heffron analysis would all continue to operate below the concurrency threshold with construction of the project. As a result, no concurrency-related mitigation is warranted or required for the project.

### Parking

The proposed development will provide approximately 160 below ground parking spaces. The project will eliminate a surface parking lot off the alley currently accommodating 14 vehicles, resulting in a net on-site parking increase of 146 spaces. Based on the Seattle Parking Code and Land Use Code, the proposed development is not required to provide any parking spaces for the development; residential uses are not required to provide parking, nor are retail uses under 7,500 square feet.

According to the Heffron Transportation, Inc. updated analysis, the proposed parking supply of 160 spaces is expected to adequately accommodate demand from residents. Some parking demand generated by the retail portion of the site or by visitors to local residents would likely occur at metered on-street spaces or in nearby pay lots. The project is not expected to result in significant adverse impacts to the local parking supply.

In sum, the proposed project would result in a relatively modest increase in overall traffic volumes generated from the site. It would provide 160 parking spaces on site to serve its demand. The project is not expected to adversely impact traffic operations, safety, parking, transit or non-motorized transportation facilities. In addition, the City lacks SEPA authority to mitigate any impact of development on parking availability in the Downtown Urban Center. Due to the fact that no significant parking impact has been identified, and the City lacks any authority to mitigate had an impact been identified, no mitigation is warranted or required.

### Noise

Noises consistent with an urban residential building in the Downtown Urban Center may be generated as a result of this project. Noise generation as a result of the project is not expected to be significant and therefore no mitigation is required or warranted.

### Height, Bulk, and Scale

The Downtown design guidelines are intended to mitigate height, bulk, and scale impacts under SEPA. A project that is approved pursuant to the Design Review process is presumed to comply with the City's SEPA policies regarding height, bulk, and scale. Through the design and environmental review process DPD has found no evidence that height, bulk, and scale was not adequately addressed through the Design Review process and compliance with the design guidelines. As such, no additional mitigation regarding height, bulk, and scale is warranted or required.

## **DECISION – STATE ENVIRONMENTAL POLICY ACT (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. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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).

The proposed action is **APPROVED WITH CONDITIONS.**

**CONDITIONS – SEPA**

*Prior to Issuance of any Construction, Shoring or Grading Permits*

1. The applicant shall submit for review and approval a Construction Impact/ Noise Impact Management Plan, as referenced in the decision above, to the Department of Planning and Development. The plan shall identify management of construction activities, dust abatement, and noise, including construction hours, worker parking, traffic issues and anticipated street, alley and sidewalk closures.
2. The applicant shall obtain a permit from the Puget Sound Clean Air Agency for the removal of hazardous materials during demolition, should any be found. The permit shall be submitted to DPD prior to issuance of any demolition permit. This will ensure proper handling and disposal of asbestos, if it is encountered on the site.

*During Demolition, Excavation, and Construction*

3. Debris and exposed areas shall be sprinkled as necessary to control dust; truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts. *Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall shall not be required.*

**CONDITIONS-DESIGN REVIEW**

None.

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

Date: March 29, 2012