



## City of Seattle

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Department of Planning and Development

D. M. Sugimura, Director

### CITY OF SEATTLE ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3012601

**Applicant Name:** Wendy Pautz, LMN Architects for Skanska

**Address of Proposal:** 3400 Stone Way N

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 5-story structure containing 13,900 sq. ft. of retail at ground level with 110,100 sq. ft. of office above and 25,000 cu. yds. of grading. Parking for 216 vehicles to be provided in three levels below grade. Existing structures to be demolished.\*

The following Master Use Permit components are required:

#### **Design Review – Seattle Municipal Code Section 23.41 with Development Standard**

##### **Departures:**

- 1. Structure Height (SMC 23.50.026; see also 23.41.012.D.2.f)**
- 2. Floor Area Ratio (SMC 23.50.028; see also 23.41.012.D.2.d.2)**
- 3. Floor Area Ratio (SMC 23.50.028; see also 23.41.012.D.2.d.1)**
- 4. Rooftop Features (SMC 23.50.020.A.4)**

#### **SEPA Environmental Review - Seattle Municipal Code Section 25.05**

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

\* Project notice language in January 2012 originally included a contract re-zone component, which was withdrawn in February 2012. The project was re-noticed in March 2012 to reflect the change. Subsequent notice language included statement: “Application requires approval of pending legislation - Living

Building Pilot.” The legislation for the Deep Green Pilot Program was approved in August 2012, thus that sentence has been removed from the project description.

## SITE AND VICINITY

The 39,600 sq. ft. site is located along the east side of Stone Way and between the Fremont and Wallingford neighborhoods. The property is currently developed with a one-story brick building and a one-story wood frame building and surface parking lot. The site is zoned Industrial Commercial-45 (IC-45). The IC zone extends in all directions. Across N 34<sup>th</sup> Street to the south, the Urban Maritime shoreline overlay is mapped. The site contains a mapped steep slope area and an ECA exemption has been granted (January 5, 2012).

Existing access to the site is from Stone Way. Proposed vehicle access would be from North 35th Street. Service truck access would be a right-turn only from North 34th Street to a driveway along the east side of the lot.



The site is surrounded on three sides by arterial streets: North 34th Street to the south, North 35th Street to the north and Stone Way to the west. The North Transfer Station occupies the site to the east. The transfer station is proposed for redevelopment; an application for a Master Use Permit has not yet been submitted to the Department of Planning and Development.

The surrounding environment is a mix of retail, commercial and industrial uses on all sides. To the northeast is a primarily residential portion of the Wallingford neighborhood. The site is technically within the Fremont Village Urban Hub overlay which extends to the west across Stone Way. The topography of this site within this context is analogous to the bottom of a bowl which rises gradually in all directions. The Burke Gilman Trail “daylights” at this intersection. The trail is a significant bike and recreation route through a section of the City with the highest percentage of bike commuters.

## Background Information

The project has enrolled in Seattle’s Deep Green Pilot program. The purpose of the program is to encourage buildings that meet high environmental standards by allowing departures from code requirements that may otherwise discourage or prevent buildings from meeting high environmental standards. In order to qualify for the Pilot program, applicants must submit a plan demonstrating how their project will meet the program. The program is intended to stimulate innovative development, pursuant to SMC 23.40.060. Pursuant to SMC 23.40.060.E.1.b, such projects must meet a minimum of 60 percent of the Imperatives of the Living Building Challenge, version 2.1, and all of the following alternative standards:

- Total building energy usage, not including energy generated on the site, shall be 25% or less of the average energy usage for a comparable building not in the Living Building or Deep Green Pilot Program, based on the Energy Information Administration’s 2003 Commercial Buildings Energy Use Survey, Energy Information Administration’s 2005 Residential Energy Consumption Survey, or other baseline approved by the Director that would provide a comparable estimate; and

- Total building water usage, not including harvested rainwater, shall be 25% or less of the average water usage for a comparable building not in the Living Building or Seattle Deep Green Pilot Program, based on Seattle Public Utility estimates or other baseline approved by the Director that would provide a comparable estimate, and
- At least 50% of stormwater shall be captured on-site.

In order to qualify for the pilot program, applicants must submit a plan demonstrating how the project will meet the standards of the program, including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems. In addition, an applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage other deep green buildings (SMC 23.40.060.B.3). Under the Code, the Director determines whether a proposal meets the application requirements for the Pilot Program. The Director finds that the project's meets the application requirements for the Pilot Program contained in SMC 23.40.060.B.

After construction and issuance of a Certificate of Occupancy, the Director determines whether the proposal actually complied with all applicable standards. A determination of noncompliance subjects the owner to a penalty of between one and five percent of the project's construction value. SMC 23.40.060.E, SMC 23.90.018.B.8.

The Board recognized that the anticipated environmental performance of the building would likely be substantially compromised without the height departure, as it would reduce the effectiveness of the building systems, compromise daylight in the reduced floor-to-floor height of the building and would severely impact the building's ability to meet several of the Living Building imperatives.

DPD assembled a Technical Advisory Group (TAG) made up of 11 volunteers including city staff—experts in their field, sustainable architecture, mechanical engineers, and staff from SCL and SPU. One DRB member was present at each meeting to better understand the environmental systems, the living building program imperatives, and the ways in which the project's requested departures are intended to facilitate better reaching the living building imperatives and overall environmental performance. The TAG is meant to facilitate the project and has no regulatory authority. They serve as a resource to the city staff, the project proponents and to the DRB. The TAG met on two occasions for this project, October 6, 2011 and January 17, 2012. Summaries of these meetings are available in the MUP file and on the design review website.

The TAG meetings focused on the energy and water systems proposed as well as the baselines used to measure the energy and water reductions. It was clear to the TAG, based on the information submitted, that the strategies proposed make it feasible to reach the aggressive 75% energy and water reductions. It was also clear that tenant layout and behavior will be critical in achieving the proposed reductions. The reductions are based on building performance and measured after occupancy, not at the design phase. The TAG meetings highlighted that the building will provide quality interiors spaces with good daylight; however, TAG members highlighted that the building is not technically considered a "day lit" building in that electric lighting will not be eliminated. A balance between glazing percentage, configuration, increased floor to floor heights, floor plate depth, and tenant layout will affect the quality of space and daylight.

## **PROJECT DESCRIPTION**

Land Use Application to allow a 5-story structure containing 13,900 sq. ft. of retail at ground level with 110,100 sq. ft. of office above and 25,000 cu. yds. of grading. Parking for 216 vehicles to be provided in three levels below grade. Existing structures to be demolished.

## **PUBLIC COMMENTS**

Approximately 30 members of the public attended the Early Design Review meeting held on September 19, 2011 and three comments letters were received prior to the meeting. The following comments, issues and concerns were raised:

- Stated that this site cannot accommodate the proposed building mass and height.
- Objected to view impacts caused by the proposed building.
- Encouraged green design, energy efficiency, sustainability and the living building concept.
- Concerned with the proposed building height and that it will be out of proportion to the surrounding context.
- Believes proposed project will block connection to the lake from the neighborhood. Proposed height is too tall and will dwarf community.
- Support connectivity concept to the Burke Gilman Trail, as well as interaction with the community.
- Supports the preferred alternative because it opens up views to the tails, lake and downtown.
- Would like to see added bike lanes.
- Supportive of setting back the upper floor and ground level and raised plaza area, but not supportive of the overall scale and mass.
- Concerned that rooftop equipment will add even more height to the overall bulk and scale. Would like to know more information at this early stage about the rooftop features that will add height and how these will be screened and located.
- Opposed to the modern architectural concept at this location; should consider use of brick.
- Supportive of development for the economic activity and vibrancy it will bring to the neighborhood.
- Would like to see whimsical art incorporated into the site and/or building.
- Would like to see view analysis to understand true height and massing impacts.
- Future meeting should be held in Fremont.
- Considerable time and effort has been spent working on the design of the transfer station and this process has not engaged the neighborhood to the same extent.
- Concerned with parking and traffic impacts. (The DPD Planner indicated that this is not within the purview of design review, but parking will be reviewed by DPD. These comments should be directed to Lisa Rutzick rather than the Design Review Board).

Approximately 65 members of the public attended a Second Early Design Review meeting held on November 21, 2011 and three comments letters were received prior to the meeting. The following comments, issues and concerns were raised:

- Appreciated that plaza concept included opportunities for runners to meet/stretch at the site.
- Impressed with ground floor design plan, but concerned that the overall building height was too tall and would create too much volume and building mass for the neighbors to the west. Also concerned about the generation of traffic and parking needs associated with the proposed development. Concerned that the proposed height would establish a dangerous precedent for future buildings.

- Noted that the human element of the Living Building goals and plaza design should accommodate children.
- Supported project concept design and noted that Stone Way is changing and this project should be commended for striving towards Living Building standards. Liked that the ground level retail concept was being planned for a destination and gathering space.
- Supported the proposed building massing concept as responsive and sensitive to the surrounding conditions. Pleased that community business will benefit from the redevelopment of this site.
- Impressed with presentation and agreed that the proposed building will be a positive addition to Stone Way and that the building form has been well-modulated and setback. Did not feel that the 65-foot height would be problematic.
- Liked idea of bicycle maintenance feature and air pump included in the plaza and was pleased to see a youthful company relocate from the suburbs to an urban locale. Would be a positive addition to the neighborhood.
- Pleased with the evolution of the project design between the first meeting and the second and felt that the design has responded to the Board's and public comments and guidance. Felt that the efforts to work towards Living Building standards, connection to the Burke Gilman trail and willingness to locate next to the transfer station are justifications for the increased building height.
- Suggested that the community involvement that occurred with the transfer station should occur at this site.
- Recommended that curb bulbs be considered to benefit pedestrians and cyclists.
- Felt that the amount of height and FAR relief should be proportional to the percentage of achievement to the Living Building objectives.
- Pointed out that this is historically an industrial area and the proposed development would be a benefit to the neighborhood and screen the transfer station. Suggested that open space be located at the rooftop.
- Questioned the equitableness of the exceptions being requested; the gain is not equal to what is being given. Would like to see more accurate illustrations that better show exterior materials and adjacent buildings.
- Pointed out that the proposed building will not be a Living Building because it will not meet 100% of the imperatives, but will be given the benefits of being a Living Building with the height increase. Opposed site specific re-zoning and aggressive timeline that circumnavigated the public process. The building mass should continue to be eroded away to be less massive.
- Excited about the project and the opportunity for the building and City to take leadership role in the environment.
- Reiterated that Stone Way is changing and that green buildings should be encouraged.
- Supported redevelopment of the site and identified guidelines A1, A2, A5 and B1 as important in terms of achievement in good urban design, connection to the water. Found the renderings to be misleading.
- The Wallingford Community Council expressed serious concerns with the proposed building height.
- Noted that reduced greenhouse gases were a commendable development goal. Suggested that bike accommodations such as covered bike parking be provided.
- Did not see any design changes since the previous meeting. Felt that all retail storefront should be at the sidewalk and not set back. Objected to the style of renderings shown. Suggested that the proposed material should be predominantly brick and not glass. Disagreed that glass is an environmentally sound building material. Noted that the upper floors should be set back substantially and setbacks from power lines were not satisfactory. Covered bike parking should be provided.

- Noted that the Chamber is excited by new jobs and businesses brought by the proposed development. Also pleased with the proposed design and height. Considered this project to be a future landmark. Supported corner plaza element and that the building mass would screen the transfer station.
- Noted that the massing of the building will set an important precedent and the neighborhood should take risk by supporting such an ambitious project.
- Did not like proximity of the building mass and height to the shoreline.
- Would like to see more specificity for the rooftop design. Suggested that the energy savings should be quantified and that water and air should be provided to cyclists.
- Concerns about views to the lake being blocked.
- Supported plaza design and place making opportunity in a currently ill-defined location.
- Supported by the Quality Growth Alliance.
- Noted that ADA access considerations and public safety using CEPTED principles should be integrated into the project. Would have liked to see the other façade views, which would also be very visible. Has found the developer to be responsive to the issues raised.
- Noted that a 55-foot tall building was not presented and felt that brick is a predominant material found in the context and should be integrated into the building. Would like to see greater setback along 34<sup>th</sup>, as well as inclusion of solar panels, sky lights and atrium to allow for natural day-lighting. Felt that the massing of the entry at the SW corner was too high and the overall massing should be sculpted back to increase sunlight at grade level and minimize the scale. Would like to see massing broken down into three elements rather than the two shown. Overhead weather protection should be included.
- Supported the scale adjustments made but still objected to the 65 foot height.
- Supported project goals, urban growth issues, environmental enhancement of the building, and recognition of the urban trailhead. Pleased with the height, bulk and scale response and opportunities for future retail.
- Concerned with the process associated with the legislative text amendment.

The applicant applied for a Master Use Permit on December 21, 2011. Notice of Application was published on January 12, 2012 and a Revised Notice of Application was published on March 1, 2012 and March 15, 2012 each with a 14-day comment period. The final notice comment period ended on March 28, 2012 and was extended by 14 days. Numerous letters were received and the following comments and sentiments were offered (summary below is not reflective of the number of letters echoing similar comments):

- Request to be a Party of Record.
- Request to extend comment period.
- Concerned with view blockage of the Aurora Bridge from the neighborhood.
- Concerned with loss of views of the lake from neighborhood.
- Concerned that the height increase will set a precedence for future development.
- Object to any use of adjacent property during construction.
- Opposed to height of proposed development.
- Supportive of green building efforts, but displeased with the shadows and traffic impacts.
- Support for project for providing greater density and sustainable building.
- Pleased with the building design.
- Would like to see proposed height similar to Transfer Station next door to the east.
- Concerned with parking impacts during construction.
- Support proposed development as a positive contribution to the neighborhood with a responsive design.
- Concerned with the impacts on the public drainage system and impacts to salmonid habitat.

- Opposed to the height, bulk and scale impacts of the proposed development. Lacks proportion with the neighborhood.
- Concerned with parking impacts from the project.
- Redevelopment of the underutilized site is desired.
- Would like to see urban agriculture on the roof top.
- Opposed to contract re-zone [Staff Note: Contract re-zone no longer part of application].

Approximately 75 members of the public attended the Initial Recommendation meeting held on March 19, 2012 and several written comments were submitted. The following comments, issues and concerns were raised:

- Supportive of building design, but concerned with building scale.
- Concerned about future empty retail spaces or generic chain shops.
- Pleased with bike connectivity around site including proposed enhancements.
- Felt information justifying the proposed departures has not been provided.
- Impressed with building proposal and green aspects of the building and contribution to the neighborhood.
- Noted that impacts to neighborhood views of the water will be compromised. Concerned that proposed development does not fit in within neighborhood character.
- Proposed height plus the rooftop mechanical screening is incompatible with context.
- Asserted that proposed project will set a precedent for future development.
- Noted that the project should be more of a trailblazer with a more assertive design.
- Applauded efforts, but noted that the legislation to allow the proposed building not yet in place.
- Pleased with the proposal presented.
- Concerned with view impacts from the water up the hill.
- Excited by proposed development's potential to bring new commerce, safety and good design to the community.
- Pleased with the proposed design's contribution to Stone Way.
- Concerned that sustainable building shouldn't be exchanged for another set of environmental concerns.
- Noted that the proposed design does not meet design guidelines.
- Stated that the building should stay within the current zone height.
- Suggested pushing mass to property line and lowering overall building height. Would like to see a code-compliant scheme.
- Pleased with the ground level amenities and setbacks on a site that is currently lacking a sense of place.
- Pleased with entry stairwell.
- Supportive of proposed gathering spaces, setbacks and green design precedent.
- Concerned that proposed development is out of place on the subject site. Green building incentives should not be tied to additional height.
- Questioned the accuracy of the graphics.
- Would like to see more public benefits.
- Suggested eliminating frame projection at upper corner and further setting back top floor.
- Felt that the transfer station development was more respectful of view corridors.
- Supportive of projects innovation and sustainability.
- Noted that development of this site will strengthen the link between the Fremont and Wallingford neighborhoods which is currently underdeveloped.
- Encouraged building over the driveway easement.

Approximately 50 members of the public attended the Final Recommendation meeting held on April 30, 2012 and several written comments were submitted. The following comments, issues and concerns were raised:

- Support for the design and encourage pilot program.
- Support exemption for retail floor use.
- Feels the setbacks are responsive to the surrounding lower scale.
- Agrees that the design has been responsive to the Board and meshes with community values.
- Considers this a positive in-fill development in an otherwise undefined, but important intersection.
- Pleased with stair design and use of materials.
- Thinks this is an important precedent-setting development that will encourage pedestrian activity.
- Feels building is out of scale with neighborhood.
- Concerned that the values of the Living Building program are not being satisfied.
- Feels departures are out of alignment with the ordinance and design guidelines.
- Concerned that departures are not justified.
- Project will connect jobs with housing.
- Supportive of sustainable development.
- Does not feel the height and scale guideline has been achieved.
- Feels proposed program is not appropriate for this site.
- Feels building is too tall and should be lowered.
- Proposed building should serve as a transition to the lake shore, not block views of the lake.
- Likes the lighter colors and recessed stairwell. Would like to see the northwest plaza at grade and not below; the retail floor plate should be split.
- Opposed to height increase. Likes fanciful ground level design.

## **ANALYSIS - DESIGN REVIEW**

### **EDG**

The first half of the Early Design Guidance presentation focused on explaining the Living Building Pilot program and how the proposed development is anticipating meeting the objectives of the Pilot Program and the associated Living Building Pilot Ordinance and proposed amendments. The Living Building Challenge requires meeting 20 “imperatives” as subsets of organizing “petals”. The seven petals are: site, water, energy, health, materials, equity and beauty.

The second half of the presentation included an analysis of the neighborhood context, site, design considerations and conceptual design massing diagrams. The applicants presented three options for developing the property. All of the alternatives showed vehicular access from North 35<sup>th</sup> Street and service access from a right-turn only movement from North 34<sup>th</sup> Street onto a driveway that runs along the east side of the lot.

The first alternative (Concept 1) showed a code-compliant 45-foot tall building form situated directly at the property lines without setbacks provided (none are required in the IC zone) filling in the parallelogram shaped site. The applicant noted that the proposed design would have more difficulty in potentially meeting the imperatives of the Living Building Challenge due to the resultant floor to floor height that minimizes daylight penetration. This alternative also did not include a retail use at ground level; the entire building was office use.

The second and third options assumed the passage of a proposed code amendment to the Living Building and Seattle Deep Green Pilot Ordinance that would allow a height departure for up to 20 feet (for a total base building height of 65 feet) and that would allow a departure that would exempt ground floor retail floor area from the Floor Area Ratio calculation. Both options two and three included four floors of office use above one floor of retail use.

The second alternative (Concept 2) “Offset Planes” included a rectangular building form where the floor plates would shift in and out slightly to capture views, respond to the context and provide a more dynamic appearance. All floor plates, including the ground level were rectangular in shape. The entry lobby was situated off of North 34<sup>th</sup> Street. The siting of the rectangular building form on the parallelogram shaped site resulted in triangular ground-level open space plaza areas at the southeast and northwest corners of the site.

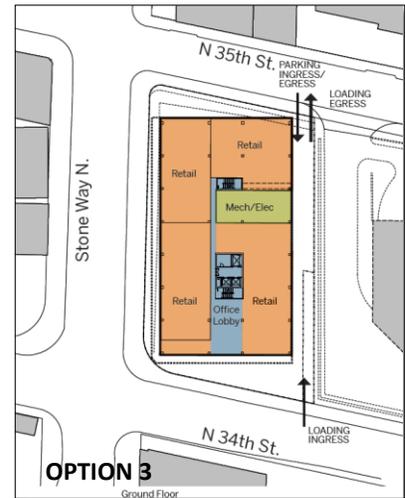
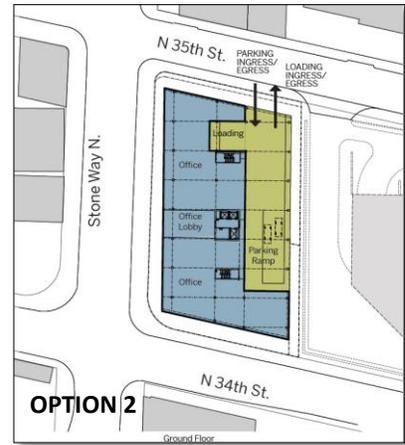
The third and preferred alternative (Concept 3) “Stepped Façade” included massing that stepped back from Stone Way to create ground level open spaces at the corner where the principal intersection is located and across from where the Burke Gilman Trail becomes visible. The upper level floor plate extended beyond the ground level floor plate to create a more regular rectangle shape with a singular notch inward south of the stairwell feature. The mass was articulated by an outboard stair well that defines and grounds itself in the main entry lobby space. A triangular open space at the northwest corner was proposed similar to the second option.

### Second EDG

At the Second EDG, the applicant presented a series of massing diagrams illustrating how the current building form has been modified to respond to concerns about bulk, scale and neighborhood context. The current massing utilized a combination of series of ‘push’/’pull’ approaches the Board found favorable from the two massing options reviewed in the first EDG meeting. The current massing has been pushed back from N. Stone Way to provide for more open space and relief for pedestrians along Stone Way. The massing at the south and west corner stepped back an additional 13 feet to create a larger view corridor to the south when looking down Stone Way and provided a larger pedestrian space for gathering at the corner of Stone Way and N 34<sup>th</sup> Street, where the building interacted with the Burke-Gilman trail. Additional step backs were added to the 3<sup>rd</sup> and 4<sup>th</sup> floors on the south, west, and north sides of the building massing to address the scale of the surrounding neighborhood context. Finally the building corners were sculpted to address bulk by responding to the unique shape of the site.

The current massing further developed the idea of the main stair at the building entry discussed at the first EDG. The latest approach added the concept of a ‘green wall’ on the exterior of the wall of the stair that

### OPTION 1



would include climbing plant species to reinforce the notion of a ‘green’ ground plane that wraps up the building façade onto the roof, across the roof, and onto the mechanical screen. The uniqueness of the green wall would also reinforce the location of the building entry.

The applicant’s landscape architect reviewed current traffic counts for pedestrians and bicycles at the site, and proposed circulation routes for both through and around the site. The current plaza/open space concepts were presented, which included a series of ‘rooms’ along Stone Way separated by landscape features and site amenities. The scale of the ‘rooms’ and the amount of connectivity to the sidewalk were designed to reflect the anticipated pedestrian densities and activities. The applicants reviewed a series of renderings and site sections indicating proposed scale and quality of retail facades and amenities, such as canopies and the inter-relationship between the open space and these retail components.

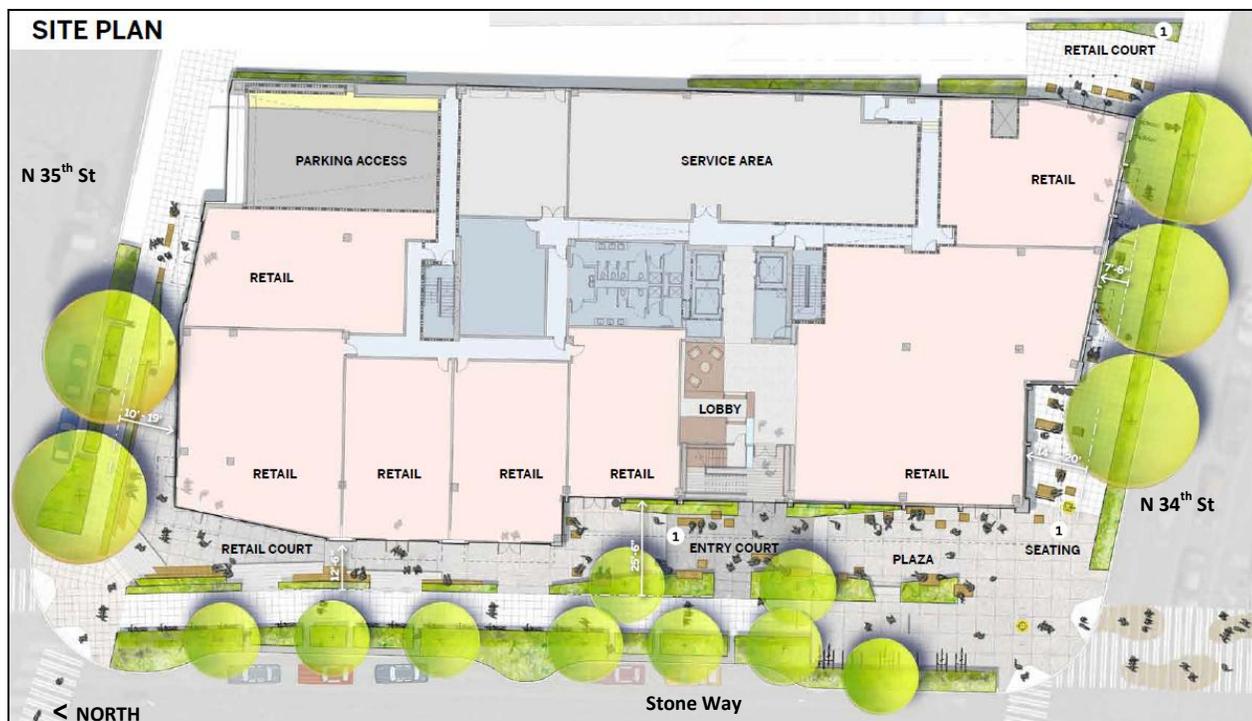
Several ‘before’ and ‘after’ images depicting current view corridors around the site and how those views might be impacted by the proposed project massing at 5 stories/ 65’ feet of height were presented. The following views were illustrated:

- Looking south from N. 38<sup>th</sup> Street and Stone Way N.;
- Looking south from N. 36<sup>th</sup> Street and Stone Way N.
- Looking west from N. 35<sup>th</sup> toward the Aurora Bridge
- Looking east from N. 34<sup>th</sup> street near the intersection with Stone Way N.

### Initial Recommendation

The design evolved since the Second EDG meeting in four main areas: building form, open spaces, entry and architectural expression. The rendering below is from the intersection of Stone Way and North 34<sup>th</sup> Street.





## Building Form

The building has been set back substantially from the property lines on all four sides and sculpted at the SE, SW and NW corners to enhance the ground level pedestrian oriented activity spaces, give scale to the building with adjacent neighborhoods preserving corridor views down Stone Way. Step backs in the building form are used to reduce the scale of the building and connect human activity on building terraces with the natural environment and the community. An additional step back is placed at the fifth floor of the SW corner to signify the corner and give reduce the sense of scale at the pedestrian perspective.

## Open Spaces

The open areas included the corner plaza in combination with a variety of connecting spaces along all street frontages and have programmed to activate the spaces for gathering, meeting, rest and relaxation. Amenities for bicyclists, runners, walkers and urban pedestrians included a bicycle amenities and extensive parking around the site and within the building, drinking fountain, stretching bars and variously sized furnishings to engage various groups in sunny and shady locations. Transparent, full height retail storefronts and overhead weather protection were proposed in the design.

## Building Entry and Stair

The highly visible stair at the building entry was presented as a signature element of the project. Complete transparency on the east and west enclosure walls of the stair allowed for views into the building from the pedestrian perspective. Use of this focal circulation element was intended to enhance connectivity between the building user and the public. In addition to transparency and helping to establish the corner, the stair was differentiated from the building façade through a transition in materials including a steel-like frame beginning at the building base and extending to the top of the stair with dramatic lighting on the interior wood north and south enclosure walls. The building entry included distinct paving, trees framing the entry

and primary building stair and other pedestrian amenities including overhead weather protection, site furnishings and exterior lighting.

## Architectural Expression

The architectural expression included materiality and detailing at the ground level to recall the neighborhood character with a strong desire for the success of the retail. Patterns of two-tone green spandrel glass dominated the midsection of the building and transition at key areas to highlight the predominant corner (SW) and neighborhood corners (SE and NE) where vertical landscaping becomes an integral element of the pattern. At the upper level a pattern of sky blue spandrel glass, unique to this floor of the building, recedes into the background of the sky.

## Final Recommendation

The packet includes materials presented at the Final Recommendation meeting, and is available online by entering the project number (3002601) at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp)

or contacting the Public Resource Center at DPD:

Address: Public Resource Center  
700 Fifth Ave., Suite 2000  
Seattle, WA 98124

Email: [PRC@seattle.gov](mailto:PRC@seattle.gov)

## PRIORITIES & BOARD RECOMMENDATIONS

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 following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project. For the full text please visit the [Design Review website](#).

### A. Site Planning

#### A-1 **Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

At the Early Design Guidance Meeting, the Board reinforced the unique site characteristics presented in the analysis that include a prominent and busy intersection, a highly visible corner, adjacency to the “daylighting” of the Burke Gilman Trail, location at the intersection of two vibrant and distinct neighborhoods of Wallingford and Fremont, proximity to Lake Union and the transfer station, as well as topographical changes within the site that extend far beyond the site to a broader topographic system. In order to better hone in on the specific site constraints, at the next meeting, the Board would like to see contour lines for the subject site, as well as sections through the entire site and transfer station site, as well as view studies of the existing site and proposed development.

At the Second Early Design Guidance Meeting, the Board discussed these issues extensively and focused on the site level analysis – see guidance provided under B-1.

At the Initial Recommendation Meeting, the Board provided related recommendations under B-1.

At the Final Recommendation Meeting, the Board discussed the remaining issues related to this topic under guideline B-1.

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

At the Early Design Guidance Meeting, the Board strongly supported the concept of the entry stairwell both as an architectural element of the building massing, as well as an identifier of the main entry at the ground level. The Board encouraged a hierarchy of uses and entries that include the stair feature, retail, bike entry, office lobby, etc. The Board expressed enthusiasm for the predominant entrance point of the office lobby at the base of the stairwell and would like to see the stair feature well-integrated into the architectural design.

At the Second Early Design Guidance Meeting, the Board reinforced the unique site conditions – see guidance provided under D-1.

At the Initial Recommendation Meeting, the Board provided related recommendations under B-1.

At the Final Recommendation Meeting, the Board discussed the remaining issues related to this topic under guideline B-1.

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

At the Early Design Guidance Meeting, the Board agreed the urban design analysis was very well done, but asserted that that same level of examination needs to occur at the site level as well. The ground level design of the building and open spaces are critical considerations and additional information is needed to fully understand the different conditions that occur around the site perimeter. Defining the street edge is appropriate at some locations, whereas setting back the building is preferred at other locations. The Board supported the ground level concept presented in the preferred alternative that begins to address these conditions and considerations. The Board pointed out that the three side street sides of the site have unique qualities and levels of activity and engagement and the design should strive to enhance each. At the next meeting, the Board would like to review “plaza studies” - concepts of how and where the sidewalk will interact with the plaza and where it will be separated, as well as how the office and retail entries will interact with these ground level spaces. Mapping out existing and future pedestrian circulation would also be helpful. The Board also encouraged operable windows at the retail level and throughout the building to add activity and a sense of dynamic quality to the building. The Board referenced another project presentation that did a good job providing character sketches and sidewalk views that may be of assistance in preparing graphics that respond to this guidance.

At the Second Early Design Guidance Meeting, the Board appreciated the studies of the plaza space outlined in section and perspective views. The Board expressed interest in the further refinement of these ground level details.

At the Initial Recommendation Meeting, the Board provided related recommendations under B-1. The Board was very enthusiastic about the well considered and design of ground level open spaces, landscaping, and programming presented through site sections and details outlined in graphics.

At the Final Recommendation Meeting, the Board discussed the remaining issues related to this topic under guideline B-1.

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

At the Early Design Guidance Meeting, the Board was supportive of the proposed vehicular access from North 35<sup>th</sup> Street and the truck access via right-turn only from North 34<sup>th</sup> Street. At the next meeting, the Board would like to see details about this proposed service access along the east edge of the site. The Board would also like to better understand the bicycle circulation to the site, as well as how bikes will be accommodated on site.

At the Second Early Design Guidance Meeting, the design included a variation from the previous meeting whereby the service access would enter off of 35<sup>th</sup> Street and exit, right only, onto 34<sup>th</sup> Street. The Board did not comment on the revision and was pleased that the location of the access drive was still along the east property line.

At the Initial Recommendation Meeting, the Board was satisfied with the proposed parking and bike access.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

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

At the Early Design Guidance Meeting, the Board noted that there are two retail corners each with a different character. The southwest corner is highly visible and enjoys significant activity associated with the intersection and trail, whereas the northwest corner is quieter. Therefore how and where the retail meets these corners and open spaces should be designed accordingly. See also A-4.

At the Second Early Design Guidance Meeting, the Board stated that they would like to see a clear strategy for the building corner design in terms of responding to the context, bulk, and scale. At the most prominent corner (Stone and 34<sup>th</sup>), the design concept needs to be more fully articulated. The Board would also like to see significant moves to erode this corner back.

At the Initial Recommendation Meeting, the Board was very pleased with the corner setback, plaza design and amenities, and provided some related recommendations under B-1.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

## Height, Bulk and Scale

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

At the Early Design Guidance Meeting, the Board acknowledged and discussed the height, bulk and scale issues associated with the proposed development. In order to better understand the context and specific impacts of the proposed building, at the next meeting, the Board would like to see a physical model. The Board would also like to see more of a contextual view analysis showing existing conditions compared with various proposed building forms. The Board is also interested in see other strategies for dealing with the overhanging portions of the building. The push/pull concept of the floor plates should be more fully developed and considered in response to the context. The Board is interested in where and by how much would these plates shift and suggested that erosion of the upper levels would be appropriate. The Board agreed that Option 2 felt less massive and perhaps the floors could be treated differently to achieve the objective of minimizing the bulk and scale. The Board encouraged the design to be creative in how the building nestles into the topographical bowl of the site.

At the Second Early Design Guidance Meeting, the Board agreed that many positive moves have been made to reduce the sense of height, bulk and scale including the ground level setbacks from the property lines, responsiveness to the adjoining property conditions and the open plaza area at the southwest corner. The Board agreed however, that additional sculpting of the building form is needed. The Board recommended greater setback and upper level erosion from the property line along 34<sup>th</sup> Street. The additional height should not read from the pedestrian vantage point on 34<sup>th</sup>. Along Stone Way, the Board would like to see stepping back at the top and modulation to reduce perception of the building height and bulk. The proposed massing shown in the perspective rendering on page 27 of the packet begins to address these issues and should be further evolved.

At the Initial Recommendation Meeting, the Board recommended the following refinements to the design:

1. Further distinguish the entry stair volume of the building with a slight recess to allow the elevation materials to wrap the façade materials around the corners to meet the entry stair elevation.
2. Step back the uppermost level of the building on the northwest portion of the building to recede from views at the pedestrian level at the intersection of Stone and 34<sup>th</sup>. Such a condition is very effectively shown with the perspective along the 35<sup>th</sup> Avenue shown on page 29. Decreasing the ground level open space at the north side of the project (along 35<sup>th</sup>) would be acceptable to the Board.
3. Eliminate or soften the appearance of the projecting trellis feature shown at the top of the southwest corner to reinforce the fading of the building height and mass.
4. Strengthen the cornice line at the fourth level to emphasize the capping of the building at this lower floor. The cornice designs should vary to reinforce the independent masses and avoid a singular continuous line or design.
5. The northern portion of the building along the Stone Way elevation should read as more distinct from the southern portion. This could be achieved by carrying the material language of the fourth level to the south and down the two bays which meet the retail level. Alternatively, the

projecting second and third floor massing could be extended to the south to meet the central entry stair volume. The use of wood at the retail ground level retail should extend further south to complete the base of this northern module.

6. Provide a distinct canopy at the building entrance, at the base of the central stair volume.
7. A transition between materials should be accompanied by a change in plane:
  - a. See #5 above.
  - b. The other location where this condition occurs is at the top floor at the southwest corner.

At the Final Recommendation Meeting, the Board discussed each of the remaining issues related to this topic:

- 1) The entry stair volume of the building was shown with two alternatives: recessed and the preferred projecting option. In the former, the facade materials wrap around the corners to meet the entryway; in the latter, the materials of the entry bay project forward and meet the façade elevation at 90-degrees. The Board supported the preferred option with the entry stair projection.



- 2) The uppermost (5<sup>th</sup>) level of the building on the northwest portion of the building was stepped back to recede from views at the pedestrian level at the intersection of Stone and 34<sup>th</sup>. The ground level open space at the north side of the project (along 35<sup>th</sup>) was not reduced. The Board was impressed with the responsiveness to the guidance provided at the previous meeting and agreed that the revised design addressed the height, bulk and scale issues.

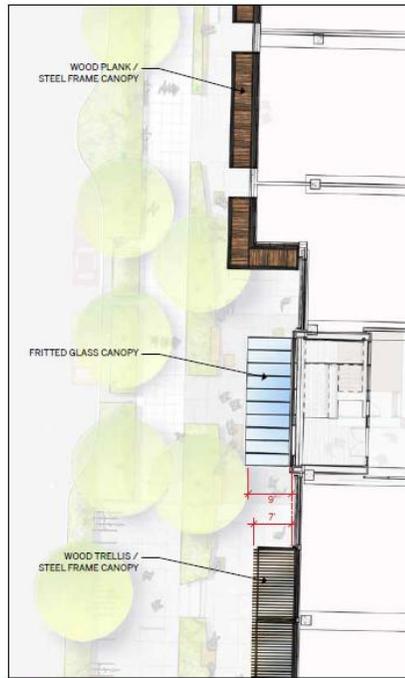


- 3) The projecting trellis feature shown at the top of the southwest corner was significantly reduced and the color lightened to reinforce the fading of the building height and mass. The Board was satisfied that these changes reduced the presence of the building bulk at this corner.



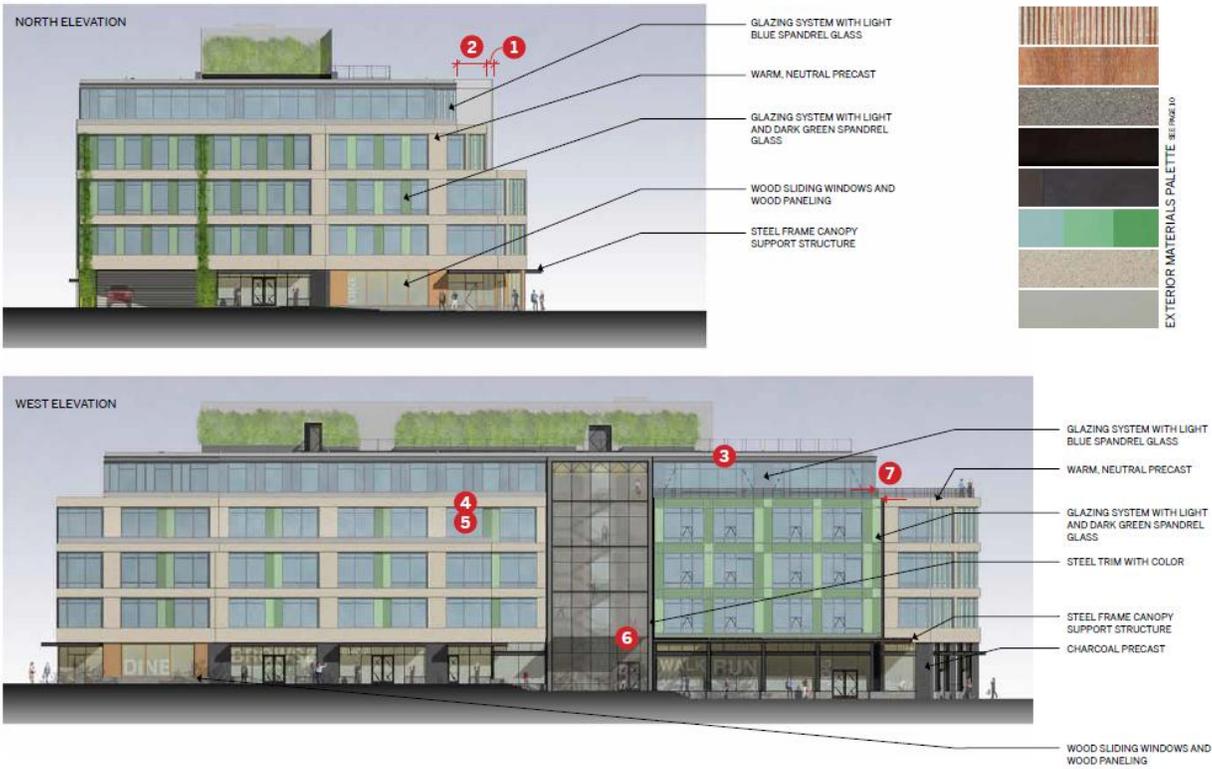
- 4) The cornice line at the fourth level was strengthened to emphasize the building at this lower floor with a contemporary parapet design that emphasizes the change in plane between the fourth and fifth levels. The cornice designs were adjusted to vary between the independent masses and avoid a singular continuous line. The Board was satisfied with the revisions. (See image above)
- 5) The material language of the fourth level of the northern portion of the building along the Stone Way elevation was carried to the south and down the two bays which meet the retail level. The use of wood at the retail ground level retail remained limited to the corner. The Board was satisfied with the revisions and agreed that the changes helped differentiate the building forms and break down the scale of the building.(See image above)

- 6) A distinct, deeper canopy design of fritted glass with a steel frame was shown at the building entrance, at the base of the central stair volume. The canopy design at the base of the south building differs with wood planks in a steel frame. The canopy of the north building uses the same wood and steel language, but with wood trellis and steel frame. The Board was pleased with the design response.



- 7) A transition between materials was amended to accompany a change in plane:

- a. The projecting entry bay and north and south building modules all include a change in plane that is coupled with a change in material.



b. The top floor at the southwest corner was revised to use the solid pre-cast for the building



**C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

At the Early Design Guidance Meeting, the Board indicated support for a contemporary, modern architectural design and looks forward to reviewing additional details at future meetings as the project design evolves. The Board warned, however, that the early concept appears more like an office building and doesn't clearly express the retail character yet. The Board did not feel that the use of brick is necessary at this location given the variety of building materials used in the

surrounding context. At the next meeting, the Board would like to see the ground level expression further developed.

At the Second Early Design Guidance Meeting, the Board suggested that the design be more revelatory of the Living Building program and highlight Living Building features and systems, providing an educational aspect to the project. The Board also encouraged the architecture to push creative boundaries for the building design. The Board was supportive of the urban street edge appearance of the building base, but warned against using more suburban office building vernacular for the upper stories.

The Board also discussed breaking the building down into distinct elements, keeping it as a unified cohesive form or creating an iconic design. The Board agreed that any of these approaches could be successful provided the concept is applied consistently throughout the development.

At the Initial Recommendation Meeting, the Board provided related recommendations under B-1.

At the Final Recommendation Meeting, the Board discussed the remaining issues related to this topic under guideline B-1.

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

At the Early Design Guidance Meeting, the Board gave guidance as noted in response to Guideline A-4.

At the Second Early Design Guidance Meeting, the Board was enthusiastic about and would like to see more detail and information regarding how pedestrians, runners and cyclists will engage with the ground level open spaces. Some initial concepts were introduced including a stretching station and bike maintenance amenities; the Board expects to see further development of these features.

At the Initial Recommendation Meeting, the Board was satisfied with the ground level amenities and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

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

The Board noted that they will be interested in reviewing these details at the Recommendation phase.

At the Second Early Design Guidance Meeting, the Board reiterated and emphasized the importance of the materiality and transparency at the street level – the detail of which they expect to review at the next meeting. The Board reiterated that they do not feel brick is a necessary exterior building material for this project in this location. They did note that the materials palette should project a sense of permanence, respond to the context and be appropriately scaled to the size of the street and intersection at this location.

The Board also expressed interest in the transition of wall façade to the roof and how this will occur architecturally and materially.

The Board noted that the details of the rooftop design and mechanical screening will be critical considerations for the next meeting.

At the Initial Recommendation Meeting, the Board was satisfied with the proposed material palette and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

## **D. Pedestrian Environment**

### **D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

At the Early Design Guidance Meeting, the Board stressed the importance of the design of the proposed corner open spaces for integration into the community, as well as creating new gathering spaces and encouraging new levels of activity at this intersection. Several sections through the right-of-way were presented and the Board reinforced that the area between the building façade and the curb line should include integration of landscaping, hardscaping, defensible space, seating, grade changes, and other amenities.

At the Second Early Design Guidance Meeting, the Board acknowledged the significant strides the project design has taken since the first meeting in terms of developing the ground level design. The Board agreed that the main building entry and grand stair case should not be in the same plane as the building face. These features should be more distinguished by either being recessed or protruding from the main face of the building. The stairs should be more visible and prominent on Stone Way. The Board also stressed that more information and development of the experience of the entry sequence needs to be more evident.

The Board also noted that overhead weather protection is an important feature to be included along the building base and perhaps at the main building entry. Overhead canopies may pose a challenge in terms of maximizing the sense of open space, but are a pedestrian necessity in this climate.

The Board concluded that the usability of the open space design is essential.

At the Initial Recommendation Meeting, the Board provided related recommendations under B-1.

At the Final Recommendation Meeting, the Board discussed the remaining issues related to this topic under guideline B-1.

### **D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

At the Early Design Guidance Meeting, the Board discussed that this intersection currently includes multiple modes of travel that will increase with the proposed development. Maintaining and enhancing the safety of all modes of transport is paramount: pedestrian, running, bicycling and driving.

At the Second Early Design Guidance Meeting, the Board reiterated the same sentiments expressed at the first meeting.

At the Initial Recommendation Meeting, the Board was satisfied with the exterior lighting, clear sight lines, conceptual signage plan and enhancement of the non-motorized activities on and around the site and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

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

The Board noted that they will be interested in reviewing these details at the Recommendation phase.

At the Initial Recommendation Meeting, the Board was satisfied with the conceptual signage plan and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

**D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

The Board noted that they will be interested in reviewing these details at the Recommendation phase.

At the Initial Recommendation Meeting, the Board was satisfied with the conceptual lighting plan and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

**D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.**

The Board noted that they will be interested in reviewing these details at the Recommendation phase.

At the Initial Recommendation Meeting, the Board was satisfied with the expanse of commercial transparency of the large storefront window system and minimal blank walls and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

**E. Landscaping**

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

At the Early Design Guidance Meeting, the Board noted that the design of the corner open spaces will be a critical consideration of how the site integrates and orients the site plan with the Burke Gilman Trail, and the confluence of movement and activity that occurs at this intersection.

At the Second Early Design Guidance Meeting, the Board continued their guidance from the first meeting and discussed these issues under A-3, A-4, C-3 and D-1.

At the Initial Recommendation Meeting, the Board was satisfied with the interesting, varied and well-considered landscape plan and design and did not discuss this guideline further.

At the Final Recommendation Meeting, due to the design resolution presented at the previous meeting, the Board did not discuss this issue further.

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

At the Early Design Guidance Meeting, the Board appreciated the analysis of the site within the larger topographic context, as well as the grade changes on the site itself. The Board looks forward to seeing how the proposed massing responds to the site's topography.

At the Second Early Design Guidance Meeting, the Board noted that the proximity to Lake Union is an unusual site condition that should be explored as part of the landscape design. The Board would like to see more information and details of how the users of the Burke Gilman Trail will be attracted to and use the ground level open spaces. See A-3, A-4, C-3 and D-1.

At the Initial Recommendation Meeting, the Board was satisfied with the integration of pedestrian amenities into the landscape plan and programming of users of the Burke Gilman Trail to circulate on and around this site and did not discuss this guideline further.

At the Final Recommendation Meeting, the Board raised a minor issue that the plaza at the northwest corner sites below grade and recommended that another layer of landscaping might

**The Board agreed that the entry area should allow for a small gathering space and recommended the installation of a seat wall is appropriate at the entry area. The Board discussed that the seat wall may be integrated into the landscaping or in front of the entry vestibule.**

**The Board was pleased with the proposed Virginia Creeper vines to be planted at the building base of the east façade to grow up the concrete building base and helps break up the view of the blank wall.**

**The Board also recommended that if additional bicycle parking is needed, it should be located within the front setback area. The Board continued to support the re-alignment of the sidewalk to allow for generous plantings on both sides of the sidewalk.**

### **DEVELOPMENT STANDARD DEPARTURES**

At the Final Recommendation meeting, four departures associated with the Seattle Deep Green Pilot Program and the proposed text amendment amending the program were requested. Similar to a contract rezone going through design review, the Board presumes that the code amendment is in effect; should the code amendment not go into effect, the applicant would be required to return to the Board for another

recommendation. The code amendment ordinance (Ordinance 123942) consistent with the departures sought from the Board was passed by City Council on July 30, 2012.

Under the ordinance and SMC 23.41.012.D1, design departures from Land Use Code requirements are permitted for projects participating in either the Seattle Deep Green Pilot Program or the Living Building Pilot Program (the “Pilot Programs”), which may be allowed if an applicant demonstrates that the departure would result in a development that better meets the intent of the adopted design guidelines or that the departure would result in a development that better meeting the goals of one of the Pilot Programs and would not conflict with adopted design guidelines. The following departures were sought by the project, which has enrolled in the Seattle Deep Green Program:

**1) Structure Height (SMC 23.50.026; see also 23.41.012.D.2.f): A height departure for projects participating in one of the Pilot Programs to allow up to 20 additional feet of structure height.**

The Board agreed that the departure allows the design of the building to better meet the intent of the adopted design guidelines, specifically: A-1 (responding to site characteristics) A-4 (human activity), B-1 (height, bulk and scale), C-3 (human scale), D-1 (pedestrian open spaces and entrances), E-2 (landscaping to enhance building/site), and E-3 (landscape design to address special site conditions). The departure for additional structure height results in a development that is able to have a narrower floor plate, opening up the public plaza, and opening up protected views down Stone Way. The language of 23.41.012.D.2.f requires a building obtaining this departure to limit the gross floor area above 45 feet to 66% of the lot on which the structure is located, resulting in a taller, but more slender and less bulky building with significant setbacks at upper levels. The setbacks allow the development of a sizable public plaza that includes seating, public trail connection points, increased landscaping and other public benefits.

In addition to better meeting the design guidelines, the Board also found that the project with the departure would not conflict with the adopted design guidelines. In particular, the Board determined that the design of the building mitigates for height, bulk and scale impacts that could otherwise have occurred by granting this departure by significantly reducing the amount of building mass above the 45’ level, by the upper level setbacks and building erosion recommended by the Board, and by changes in materials and elimination of certain building features to reinforce the “fading” of building mass.

Additionally, the Board identified that granting the departure results in a project that better meets the goals of the Seattle Deep Green Pilot Program (the “Pilot Programs”). Once a project is enrolled in Seattle’s Deep Green Pilot Program under SMC 23.40.060.E.1.b, the Program requires those projects to meet a minimum of 60% of the imperatives of the Living Building Challenge, Version 2.1, and reduce energy usage, water usage, and meet certain standards regarding stormwater capture. The departure for additional height allows the project to meet several of the Living Building imperatives, including:

- Civilized Environment and Healthy Air – The height departure allows greater floor-to-floor height for increased daylight and improved natural light environment for occupants in the building.
- Humane Scale and Humane Places and Beauty and Spirit – The increased height reduces building footprint, allowing for a better ground plane design for human use, including the 8,000 sq. ft. of ground level open spaces creating greater community benefits; the glazed vertical building entry stair promotes visual engagement between indoor and outdoor activities.

- Car-Free Living – The departure allows development of the pedestrian plaza creating walkable pedestrian infrastructure and a visual openness to the Burke Gilman Trail, which is heavily used by walkers, cyclists and runners.

The Board voted in favor of the departure request.

- 2) **Floor Area Ratio (SMC 23.50.028; see also 23.41.012.D.2.d.2): A departure allowing the exemption of all gross floor area for street level general sales and services, eating and drinking establishments, or entertainment uses.**
- 3) **Floor Area Ratio (SMC 23.50.028; see also 23.41.012.D.2.d.1): A departure allowing additional floor area of 15% above the otherwise applicable limit.**

Regarding the floor area ratio (FAR) departures, the Board found that these departures allow the design of the building to better meet the intent of (and not conflict with) the adopted design guidelines by promoting ground floor activity in an established urban village. The inclusion of ground floor retail will better meet the intent of the following design review guidelines: A-1 (responding to site characteristics), A-2 (streetscape compatibility), A-4 (human activity), C-3 (Human scale), D-1 (pedestrian open spaces and entrances), and D-12 (commercial transparency). The additional 15% FAR also allows the building to better meet the intent of the following design guidelines, as the project needs the additional FAR to support retail uses, the additional FAR offsets the space incurred to provide green systems, and the additional FAR and allows for more pedestrian open space: D-1 (pedestrian open space and entrances), C-3 (human scale), B-1 (height bulk and scale), A-2 (streetscape compatibility), A-4 (human activity). The Board indicated strong support for retail at the ground floor at this location in an urban village to help activate the pedestrian streetscape at this significant neighborhood and multi-modal intersection.

Additionally, the Board identified that the granting of the departures results in a project that better meets the following goals of the Deep Green Pilot Program, and better meets the following Living Building imperatives:

- Energy (25% or less of the average energy usage), Water (25% or less of average water usage), Stormwater (at least 50% recaptured onsite), Civilized Environment and Healthy Air, Inspiration and Education— The increased FAR allows for the incorporation of building systems, such as the use of rain water and gray water collection cisterns, water filtration systems, thermal storage, mechanical system & heat recovery units and other systems on site and throughout the building, that require sizable accommodations within the building and site.
- Humane Scale and Humane Places and Beauty and Spirit—The additional FAR is related to providing retail at the ground floor, which has a much better relationship to human scale and interaction. Further, a reduced building footprint (taller building) provides for increased human scaled design at the street level, including the 8,000 sq. ft. open space and visual linkages to the Burke Gilman Trail.
- Car-Free Living—The additional FAR also allowed the creation of the pedestrian plaza and retail space at the ground level which will activate the pedestrian open spaces contributing to a highly walkable, pedestrian oriented area and creates a strong connection to the Burke Gilman

trail. The provision of easily accessible retail uses at the ground floor further encourages reductions in vehicular dependence for both tenants and adjacent properties.

Finally, the Board recognized that the anticipated environmental performance and retail activation of the building would likely be substantially compromised without the FAR departures, as the departures offset much of the spatial needs associated with providing increased environmental systems in the building. The departure also, activates the neighborhood by providing retail spaces and publically accessible open plaza areas, which allows the building to meet several of the Living Building imperatives and the Deep Green environmental goals.

The Board voted in favor of the departure requests.

**4) Rooftop features (SMC 23.50.020.A.4): A departure allowing the elevator penthouse to exceed the allowed 15 foot height limit by 1 foot, 6 inches.**

The Board agreed that this departure will allow the building to better meet the design guidelines. The rooftop equipment, as well as the elevator and stair penthouses are grouped together in the center of the building footprint and screened with a simple, light colored wall with vegetated screenings to provide visual interest and integration with the rest of the building. The departure allowing the additional elevator height overrun is not perceptible within this screened area. The applicant previously sought a three-foot departure, and has responded to the Board's direction to effectively screen, minimize, and consolidate the rooftop projections into a single area and into as small of an area as possible. The Board agreed that these efforts allowed the building, with the departure, to satisfy design guidelines C-2 (architectural concept and consistency) and E-2 (landscaping to enhance the building).

The Board also determined that the project design, including the elevator overrun, successfully responded to the height, bulk and scale requests of the Board (B-1), and successfully dealt with and mitigated any potential height bulk and scale issues related to the elevator overrun by reducing the amount of departed overrun to an almost imperceptible amount. Finally, the Board acknowledged that the additional elevator overrun was necessary to allow for elevator access to the rooftop so the green roof remained accessible to all, and better provide for roof maintenance.

Additionally, the Board identified that the granting of the departure for the height overrun of the elevator results in a project that better meets the following goals of the Deep Green Pilot Program, and better meets the following Living Building imperatives:

- Ecological Water Flow and Energy – The elevator overrun height allows for access to the rooftop to provide maintenance of energy/green systems on roof, such as green roofs, green walls, mechanical equipment, and future PV array.
- Democracy & Social Justice – The elevator will provide an accessible route for mobility-challenged individuals accessing the roof terrace.

The Board voted in favor of the departure request.

Four board members in attendance recommended approval in a vote of 3-1 of the project and the requested departures with the following recommendation:

1. Add another layer of landscaping at the northwest corner to address the grade change of the plaza and encourage circulation to the corner retail use.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

*The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:*

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **Director's Analysis**

Four members of the Northeast Area Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the recommendations offered by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the adopted design guidelines or that the departure would result in a development that better meeting the goals of one of the Pilot Programs and would not conflict with adopted design guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

### **Director's Decision**

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision

and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the recommendations listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **APPROVES** the proposed design and the requested departures.

### **DIRECTOR'S ANALYSIS—SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in an industrial zone and contains more than 12,000 gross square feet of area.

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist dated December 21, 2011 and revised February 28 2012. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans, considered pertinent public comment; and forms the basis of this analysis and decision based on its experience as lead agency with review of similar projects.

As indicated in this analysis, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC [25.05.665 D](#)) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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. Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of impacts is appropriate and is noted below.

#### **Short -Term Impacts**

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction), 3) Noise Ordinance (both construction and general noise impacts). Other agencies will provide adequate mitigation for the identified impacts,

such as the Puget Sound Clean Air Agency (dust/air impacts during construction and demolition) and the Department of Ecology (environmental cleanup).

### Earth

The proponents have submitted a preliminary geotechnical investigation for DPD review. The borings on site indicated sand and silty sand; there are no indications of unstable soils on the site. The project site is mapped as including a steep slope critical area on the south side of the property, but the area does not meet the thresholds for critical area designation. Therefore, DPD issued an environmentally critical area exemption for the project on January 5, 2012 and critical area review is not required. The project will require approximately 20,000 cubic yards of excavation, and DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC [22.800](#)) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

### Air Quality

The on-site structures will be demolished. Some lead paint and asbestos was indicated to be present in the on-site structures. As part of the demolition of the project, the demolition contractor is required to identify and remove any hazardous materials from existing structures. The project will be required to obtain a permit from the Puget Sound Clean Air Agency (PSCAA) prior to a demolition permit being issued. The site shall also be sprinkled during demolition to limit potential dust emissions. The abatement of existing structures, sprinkling of the site, and the PSCAA permit will provide adequate mitigation of any potential SEPA impacts related to air quality.

### Environmental Health

The Phase I Environmental Survey completed for the project by Farallon Consulting (dated August 19, 2011) identified petrochemicals that will need to be removed as part of construction activities. State law provides for the cleanup and appropriate disposal of hazardous substances and the project is required to comply with state law in this regard. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located.

Compliance with MTCA and other existing regulations adequately addresses potential impacts to environmental health. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies, as existing regulations will provide adequate mitigation.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not significant, so mitigation is not required pursuant to SEPA.

### Construction Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. Due to the proximity of these uses

to residential areas, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), limitations on construction hours are required to mitigate potential noise impacts. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. This condition may be modified to permit construction activity within the actual building, once constructed, outside of these hours, as well as allow low-noise generating exterior construction activities (such as installation of landscaping) following approval by DPD.

### Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid- to late-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Nonetheless, some parking impacts could occur as a result of the project such that mitigation of construction parking impacts may be warranted. As a result of potential construction parking impacts, no construction parking will be allowed in surrounding residential neighborhoods as a condition of project approval, and a Construction Management Plan will be required as a condition of approval which will identify construction worker parking areas.

### Construction: Traffic, Bicycle and Pedestrian Circulation

The SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675.B](#)) allow the reviewing agency to mitigate impacts associated with construction activities.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. The Transportation Impact Analysis completed by Heffron Transportation (dated December 2011) for the project identifies that the excavation phase of the project will likely last for 35 workdays, and would likely generate an average of 92 truck trips per day and about 12 truck trips per hour. 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 Highway 99 and to I-5 via designated truck routes, and the traffic impacts resulting from the truck traffic associated with grading and construction will be of short duration and mitigated by the enforcement of SMC [11.62](#). City Code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. Due to the additional trips generated by construction activities, which will have impacts on the surrounding transportation systems, the applicant will be required to complete a Construction Management Plan to be submitted to DPD and approved prior to the issuance of demolition, grading and excavation permits. The plan would include information related to truck haul routes, construction staging areas, construction worker parking, and how pedestrian, bicycle and traffic routes will be maintained or changed during construction.

Traffic control would be regulated through the City's Street Use Ordinance, which includes regulations that mitigation dust, mud, and circulation. Temporary sidewalk or traffic or bike lane closures may be required during construction; the project is located along two major bike routes. Any temporary closure of

sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of those closures would be coordinated with SDOT to ensure minimal disruption. The project shall limit temporary sidewalk and lane closure as much as possible and shall be required to provide alternate safe, convenient and adequate pedestrian and bicycle and traffic routes, should any routes be closed, consistent with the construction impacts SEPA policy contained in SMC 25.05.675.B.2.f.

### Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include stormwater impacts, increased height, bulk and scale of the project in some areas of the site; aesthetic/view impacts, increased traffic on adjacent streets; increased on-street parking, archaeological impacts, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some impacts is appropriate.

### Drainage

The Stormwater, Grading and Drainage Control Code requires on-site detention of storm water with provisions for controlled release to an approved outlet. Stormwater from the project site currently discharges into the combined sewer system. The project proposes to capture stormwater from the site, reuse a large percentage of it, and the portion of the stormwater not reused will be discharged into a dedicated storm main, thereby reducing load on the existing combined sewer system. In addition, the Deep Green Pilot program requires that at least 50% of stormwater captured onsite be reused onsite, further reducing impacts related to stormwater.

### Height, Bulk, and Scale

The SEPA Height, Bulk, and Scale Policy (SMC 25.05.675.G) states that:

*...the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*

In addition, the policy states that:

*A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk, and scale impacts documented through environmental review have not been adequately mitigated.*

The project site is zoned IC-45 and is surrounded by IC-45 zoning. The parcels to the south and across N. 34<sup>th</sup> Street from the project are also zoned IC-45, but are within the Urban Maritime shoreline environment.

Therefore, this project is on a zone boundary. The IC zone policies in the Land Use Element of the Comprehensive Plan encourage development of commercially-oriented buildings. Project site development will comply with to the Land Use Code standards for the underlying zone, with granted departures recommended by the Design Review Board. The Design Review Board specifically reviewed the project for height bulk and scale impacts and asked for several step backs in the design massing along North 34<sup>th</sup> Street, as well as along Stone Way North to mitigate for height bulk and scale issues. These step backs, along with the generous plaza along 34<sup>th</sup> and Stone Way, fully mitigate for any height bulk and scale impacts that might occur on the zone boundary in the stepping down of height toward the water and shoreline zone.

The project requested and received recommended approval by the Design Review Board for several departures from the Land Use Code that involve height, bulk and scale. The departures include allowances for additional floor area, and departures for additional height. In particular, the project was granted a departure that allows projects participating in the Seattle Deep Green Pilot Program to receive 20 additional feet of structure height. The Design Review Board found that the departure for additional structure height results in a development that is able to have a narrower floor plate, which in turn opens up the public plaza and opens up views down Stone Way. These effects reduce the height, bulk and scale of the building. The language of SMC 23.41.012.D.2.f (which allows the structure height departure for Deep Green Pilot Program projects) requires a building obtaining this departure to limit the gross floor area above 45 feet to 66% of the lot on which the structure is located, resulting in a taller, but skinnier and less bulky building with significant setbacks at upper levels. The setbacks allow the development of a sizable public plaza that includes seating, public trail connection points, increased landscaping and other public benefits. The Board determined that the design of the building mitigates for height, bulk and scale impacts that could otherwise have occurred at the 45' height limit, as the design with the height and extra floor area departures allows the building to significantly reduce the amount of building mass above the 45' height level, by upper level setbacks and building erosion recommended by the Board, and by changes in materials and elimination of certain building features to reinforce the "fading" of building mass.

The Design Review Board thoroughly considered issues of height, bulk and scale in its review of this project and recommended approval of the project design. The structure conforms to zoning requirements, including those intended to specifically mitigate height and bulk, and those specifically directed toward buildings enrolled in the Seattle Deep Green Pilot Program. DPD finds that height bulk and scale impacts of the project, including those impacts of the proposed departures, have been fully mitigated through the design review process and no additional mitigation is required.

### Traffic

A transportation analysis for the project was prepared by Heffron dated December 20, 2011 and amended on February 22, 2012. The analysis was updated on February 22, 2012 in response to City correction notices. This analysis utilized trip generation rates from the Institute of Transportation Engineers' *Trip Generation Manual* (8<sup>th</sup> edition). The rates and equations in ITE's *Trip Generation* are often based on studies of suburban land uses. As recommended in *Trip Generation*, the ITE trip generation rates have been adjusted to reflect the higher level of transit and non-automobile mode uses in an urban area in which the project is located. To do this, the total number of "person trips" that the project would generate was determined using trip rates and average-vehicle-occupancy (AVO) rates for each land use. Person trips were then separated by mode of travel, including auto, bike, walk, transit, and other. Mode-of-travel rates for this project were derived from the Puget Sound Regional Council's mode-share data. Finally, person trips made by autos were converted into vehicle trips based on the AVO rates derived from ITE and PSRC

data. Overall, the project is forecast to generate approximately 184 net new auto trips during the AM peak hour, and 174 net new auto trips during the PM peak hour. The project is forecast to generate 55 walk and bike trips during the AM peak hour, and 67 walk and bike trips during the PM peak hour.

Levels of service after the project's completion were also determined. The Stone Way/North 34<sup>th</sup> Street intersection is anticipated to operate at Level of Service (LOS) E without the project in 2013. With the project, the intersection would continue to operate at LOS, with about three additional seconds of average vehicle delay. This slight increase in delay likely would not be noticeable, and is not considered significant. Vehicle trips associated with the project would not reduce any of the other study intersections to below LOS D, which is considered an acceptable level of services in the City of Seattle. Therefore, impacts of vehicle trips of the project are not considered to be significant and no mitigation is necessary.

### Parking

A parking analysis was completed for the project by Heffron dated December 20, 2011 and amended on February 22, 2012. The peak parking demand was estimated based on data provided in the ITE *Parking Generation* (4<sup>th</sup> Edition) report documenting average parking demand for various uses. Peak parking demand is projected to occur during the midday, when office workers and restaurant and retail patrons will most overlap. During this time, it is anticipated that peak parking demand would be 310 stalls, exceeding the provided project stall count of 218 stalls. The project is planning to lease the 110-space parking lot across the street for additional parking for office uses which will mitigate potential parking overflow. In addition, there is ample on-street parking in the site vicinity that would accommodate overflow vehicles, including 8 spaces along the site frontage itself. It is possible that the 110 stall lot may not be available in the future. To effectively mitigate the parking impacts if that occurs, the project will be required to implement a Transportation Management Plan (TMP) that will reduce the amount of office employees driving to the project, and reduce parking demand, as a condition of approval. The single-occupant vehicle (SOV) goal of TMP would be 60%.

### Historic and Cultural Resources

The project includes demolition of on-site structures. An Appendix A survey was completed for all on-site structures and was submitted to the Department of Neighborhoods Landmarks coordinator in a referral dated February 28, 2012. The Department of Neighborhoods staff determined in a response letter dated March 9, 2012 that the buildings are unlikely to meet any landmarks criteria and no impacts to historic resources due to demolition of the buildings would occur.

The project site is located within 200 feet of the U.S. Government Meander line for Lake Union. Pursuant to Director's Rule 2-98, DPD requested the applicant complete an archaeological resources survey to determine whether there may be a probable presence on the site of archaeologically significant sites or resources. The report found that the potential for encountering historic archaeological resources while constructing the project is low due to excavation and fill activities that have already occurred on the project site. However, a portion of the project site may contain historic fill that the report recommended should be monitored during excavation for potential archaeological resources. Due to the potential for archaeological resources on the site, archaeological monitoring during excavation of this portion of the site will be required as a condition of MUP approval.

### Air Quality/Greenhouse Gas

The project area is located in a dense, walkable urban neighborhood and is served by bicycle trails and transit. Long term activities including delivery truck trips, vehicle trips generated by the project, the embedded energy usages of the materials used to construct the building, and the energy used to heat and power the building may result in increases in carbon dioxide and other greenhouse gas emissions which may adversely impact air quality and contribute to climate change. However, the project meets the criteria for the Deep Green Pilot Program which requires a 25% reduction in energy usage beyond a normal comparable building, which will further mitigate adverse impacts related to air. The building will also use more environmentally-friendly building materials which will potentially further reduce greenhouse gas impacts. While the impacts of the building are adverse, they are somewhat mitigated by the project's enrollment in the Deep Green Pilot Program, and the impacts are not expected to be significant due to their minor contribution.

### Public View Protection/Aesthetics

SEPA public view protection policy is stated in SMC 25.05.675.P. It is the City's policy to protect public views of significant natural and human-made features including Lake Union and the downtown skyline from specified scenic routes. It is also the City's policy to protect public views of historic landmarks designated by the Landmarks Preservation Board which, because of their prominence of location or contrasts of siting, age, or scale, are easily identifiable visual features of their neighborhood or the City and contribute to the distinctive quality or identity of their neighborhood or the City. A proposed project may be conditioned or denied to mitigate view impacts of natural features and of landmarks.

Stone Way N. and N. 34<sup>th</sup> Street are identified as scenic corridors. The Aurora/Highway 99 Bridge is a designated City of Seattle Landmark. The applicant was required to complete a view study determining the impact of the project on views of Lake Union, the downtown skyline, and of the Aurora Bridge from these specified streets. Without the project, views of the downtown skyline are available as one travels southbound on Stone Way, and are mainly available from the west side of the street. The views are seasonally obscured by mature trees in the right-of-way. As one travels farther south down Stone Way, views of downtown are more obscured by already-existing buildings, and the loss of elevation reduces the view of the skyline. The proposed project partially obscures views of downtown from Stone Way. Views of Lake Union from Stone Way are less apparent until one is very close to Lake Union. Views of Lake Union from North 34<sup>th</sup> Street are not impacted by the project. Views of the Aurora Bridge will be partially obscured by the project from North 34<sup>th</sup> Street.

The project's upper levels are significantly sculpted on the upper levels above 45 feet along both scenic corridors (Stone Way and 34<sup>th</sup>). The project also set back a substantial amount from the property line at ground level, affording more generous views of the downtown skyline, Lake Union, and the Aurora Bridge from the adjacent rights-of-way. While the project results in some adverse impacts upon views, the view impacts are not significant and have been mitigated by the project's design. No further mitigation is warranted.

### **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).

### **CONDITIONS – SEPA**

The following condition(s) to be enforced during demolition/construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner applicant/responsible party shall:

#### *For to the Issuance of Any Demolition Permit*

1. The applicant shall obtain a permit from the Puget Sound Clean Air Agency and shall abate any lead paint and/or asbestos or other hazardous materials from the buildings prior to demolition. The project site shall be sprinkled during demolition to reduce potential for fugitive dust.

#### *Prior to the Issuance of any Excavation, Shoring or Grading Permits*

2. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction worker parking and construction materials staging areas, construction hours, truck access routes to and from the site for the excavation and construction phases, and neighborhood notice and posting procedures for sidewalk and street closures.

#### *Prior to the Issuance of Phase III Building Permit*

3. A Transportation Management Program (“TMP”) shall be prepared and submitted to DPD consistent with Director’s Rule 9-2010 regarding TMPs. The goal for this TMP will be a maximum SOV rate of 60% and shall include the following basic elements:
  - a) Provide a transportation coordinator to manage and promote the TMP.
  - b) Provide commuter information in an appropriate location.
  - c) Distribute periodic information related to commute options to employees.
  - d) Provide ride-match information.
  - e) Provide shower facilities for commuters who walk or bike to work.
  - f) Provide bike storage/parking in an easily-accessible, secure location.
  - g) Conduct surveys of TMP effectiveness, and submit regular reports about TMP elements as required by the City of Seattle.

#### *During Construction (including Demolition)*

4. All construction activities are subject to the limitations of the Noise Ordinance, SMC 25.08; however, construction activities are further limited to non-holiday weekdays between the hours of 7:00 a.m. and

6:00 p.m. This condition may be modified to permit construction activity within the actual building, once constructed, outside of these hours, as well as allow low-noise generating exterior construction activities (such as installation of landscaping) following approval by DPD.

Construction activities outside the above-stated restriction may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours are weekend days must be submitted to Noise Abatement Coordinators David George [david.george@seattle.gov](mailto:david.george@seattle.gov) (206) 684-7843 or Jeff Stalter [jeff.stalter@seattle.gov](mailto:jeff.stalter@seattle.gov) (206) 615-1760 at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

5. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

#### During Excavation

6. The excavation of the site shall be monitored by an archaeologist. If resources of potential archaeological significance are encountered during excavation associated with the proposal, the following measures shall be implemented:
  - a) Work that is occurring in the portion of the site where potential archaeological resources are found shall be stopped immediately;
  - b) The City of Seattle Land Use Planner assigned to the project and the State Department of Archaeology and Historic Preservation shall immediately be contacted;
  - c) State regulations shall be adhered to pertaining to discovery and excavation of historic resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.09 RCW and Chapter 25.28 WAC, as applicable.

#### **CONDITIONS-DESIGN REVIEW**

The owner applicant/responsible party shall:

##### *For the Life of the Project*

7. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on April 30, 2012, and as modified in updated plans approved by Lisa Rutzick, Senior Land use Planner, following the Board's recommendation meeting.

##### *Prior to Building Permit Issuance*

8. Add another layer of landscaping at the northwest corner to address the grade change of the plaza and encourage circulation to the corner retail use.
9. Any proposed changes to conform to design review recommendations to the exterior of the building must be submitted to DPD for review and approval of the Land Use Planner assigned to the project. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

10. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
11. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Prior to the Issuance of a Certificate of Occupancy

12. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved building permit and MUP plans.

Post Occupancy

13. No later than two years after the issuance of a Final Certificate of Occupancy for the project, or such later date as may be allowed by the Director for good cause, the owner shall submit to the Director a report demonstrating how the project has met the prerequisites contained in Chapter SMC 23.40.060 and the standards described in subsection 23.40.006.E.2.

Compliance with all applicable conditions must be verified and approved by the Senior Land Use Planner, Lisa Rutzick (206-386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: \_\_\_\_\_ (signature on file) Date: September 27, 2012  
Lisa Rutzick, Senior Land Use Planner  
Department of Planning and Development

LCR:drm