



**City of Seattle**

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**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 3014639  
**Applicant Name:** Jodi Patterson O’Hare, for Rachel Ben-Shmuel of Vulcan Inc  
**Address of Proposal:** 325 9th Avenue North

**SUMMARY OF PROPOSAL**

Land Use Application to allow a 12-story, 160 ft. tall structure, containing 307,604 sq. ft. of office space above 4,210 sq. ft. of retail at ground level. Parking for 443 vehicles to be provided below grade. Review includes demolition of all existing structures (26,300 sq. ft.). An addendum to the South Lake Union Height and Density Alternatives Environmental Impact Statement (EIS) was prepared as part of the proposal.

The following approvals are required:

**Design Review** – Chapter 23.41 Seattle Municipal Code.

Development Standard Departure to exceed the maximum façade length. (SMC 23.48.014.D)

**Special Exception to Exceed Maximum Parking** – Chapter 23.48.032 Seattle Municipal Code.

**SEPA** – Environmental Determination – Chapter 25.05 Seattle Municipal Code.

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [X] EIS\*

[ ] DNS with conditions

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

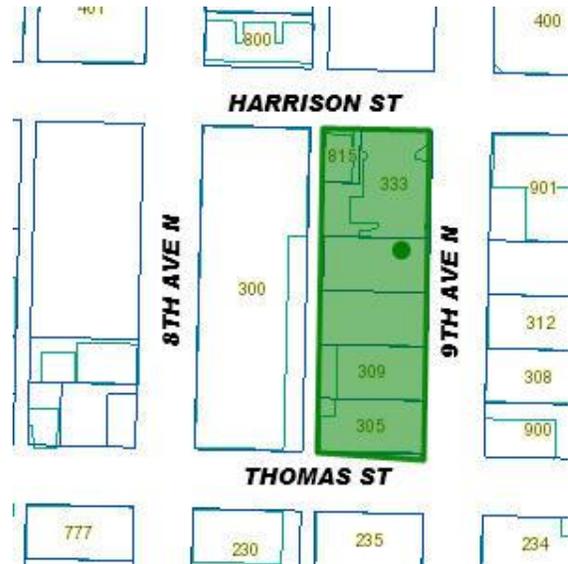
\*This project includes an Addendum to the South Lake Union Final EIS dated July 11, 2013, which is adopted with this decision.

Site:

Site Zone: SM 160/85-240

Nearby Zones: (North) SM 160/85-240  
(South) SM 160/85-240  
(West) SM 85-240  
(East) SM 160/85-240

Lot Area: 43,097 square feet, rectangle



Current Development

The site is a half-block bounded by Harrison St to the north, Thomas St to the south, an alley to the west, and 9th Ave N on the East. The site is occupied by two one-story commercial buildings at the corners, and a 3 story commercial structure at the northwest corner, with surface parking lots in the center of the block.

Existing vehicular access is via curb cuts at 9th Ave N, and the through block alley. Existing pedestrian access is from the 3 surrounding sidewalks, and from the parking lots in the center.

The site slopes approximately 10' in elevation from the southwest corner down to the northeast corner. There are no ECA's on the site.

Surrounding Development and Neighborhood Character

The surrounding development is a mix of uses and age of structures. Nearby development includes older 1-3 story commercial structures and newer 6-7 story residential and office mixed-use structures along Westlake to the east. Several restaurants and services are located nearby.

Recreational opportunities include Lake Union a few blocks to the north and Denny Park one block to the south.

The area offers frequent transit service, including the South Lake Union Streetcar one block to the east and several nearby bus routes.

## **PROJECT DESCRIPTION:**

The proposal is for a 9 story tower on a 3 story podium structure, containing 307,604 sq. ft. of office space above 4,210 square feet of retail. A plaza is located at grade on the south portion of the site, fronting onto Thomas Street. Parking for 443 vehicles would be provided below grade, and all loading and vehicle access to be off the alley.

The City Council adopted an ordinance #124172 on May 6, 2013 to change zoning in South Lake Union, including rezoning this site from SM-85 to SM-160/85-240. The applicant has designed the proposal to respond to the recently adopted ordinance and applicable development standards.

## **I. ANALYSIS – DESIGN REVIEW**

EARLY DESIGN GUIDANCE MEETING: February 27, 2013  
DESIGN PRESENTATION

The EDG booklet includes materials presented at the meeting, and is available online by entering the project number (3014639) 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).

The EDG booklet is also available to view in the 3014639 file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center  
Address: 700 Fifth Ave., Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019

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

## **PUBLIC COMMENT**

Approximately 20 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that Harrison Street is evolving into a commercial, pedestrian and bike corridor and should provide pedestrian amenity and landscape treatment.
- Supported the angle in the tower facades, and suggested the north end be more tapered.
- Objected to the shadow impacts on the Veer Lofts residential building from the proposed 120 ft office tower mass located close to Harrison, and requested the tower be shifted further south (mentioned multiple times). [Applicant stated the proposed separation of Option 3-refined, is 71 ft, plus the existing Veer setback = about 10 ft].
- Suggested the office tower shift south in deference to the visual privacy and spacing to an existing residential building (Veer Lofts), rather than preserve spacing to a potential tower on the south end of the adjacent half-block [the tower location rationale as explained by applicant].

- Suggested the proposed office tenant, south amenity deck be reduced and encourage tenants to use and activate the proposed plaza at street level.
- Encouraged the vehicle access off the alley to flow in both directions and distribute traffic to both Harrison and Thomas Streets.
- Concerned with light pollution into surrounding residential from the office building at night.

FINAL RECOMMENDATION MEETING: July 17, 2013  
DESIGN PRESENTATION

The Recommendation booklet included materials presented at the meeting, and is available online by entering the project number (3014639) 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).

The booklet is also available to view in the 3014639 file, by contacting the Public Resource Center at DPD:

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PUBLIC COMMENT

There were no public comments offered at the meeting.

**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 (the Board) members provided the following siting and design guidance. The Board identified the following **Citywide Design Guidelines & South Lake Union (SLU) Neighborhood specific guidelines** (as applicable, in *italics*) of highest priority for this project. Board comments are in **bold**.

The Design guidelines are summarized below. For the full text please visit the [Design Review website](#).

**Site Planning**

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

*SLU-specific supplemental guidance:*

*The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Streetscape compatibility is a high priority of the neighborhood with redevelopment. Sidewalk-related spaces should appear safe, welcoming and open to the general public.*

- *Provide pedestrian-friendly streetscape amenities, such as: tree grates; benches; lighting.*
- *Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.*
- *Where appropriate, consider a reduction in the required amount of commercial and retail space at the ground level, such as in transition zones between commercial and residential areas. Place retail in areas that are conducive to the use and will be successful.*
- *Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).*

**At the Early Design Guidance Meeting**, the Board strongly endorsed the proposed Option 3 ground floor plan with its active uses along all 3 streets, corner entries and parking/service/loading all located mid block on the alley. The Board supported the 2 retail pavilions at the 9<sup>th</sup> Avenue corners, with each recessed to facilitate pedestrian movement to the proposed plaza and connector street of Harrison. The Board also supported the 5 ft setback shown off Harrison, and encouraged a rich landscape buffer at the curb, and permeable commercial frontage at the building wall.

**At the Final Recommendation Meeting**, the Board endorsed the corner design and uses at Harrison and 9th, and discussed at length the proposed display case along Harrison, which is 3'-4" deep x about 35 ft long, representing about 30% of this façade. The Board accepted that a display case technically meets the code for transparency, but to provide pedestrian interest on such a large percentage of an emerging pedestrian street, the Board strongly recommends the cases be diligently managed and/or curated to ensure a frequently changing and high quality of artful content be contained in the cases.

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

*SLU-specific supplemental guidance:*

- *Create graceful transitions at the streetscape level between the public and private uses.*
- *Keep neighborhood connections open, and discourage closed campuses.*
- *Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.*
- *Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity.*

- *Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.*
- *Create businesses and community activity clusters through co-location of retail and pedestrian uses as well as other high pedestrian traffic opportunities.*
- *Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.*

**At the Early Design Guidance Meeting,** the Board discussed the importance of transparency along all 3 ground level facades, even for those uses which are not retail. The “office café and conference” use should place café seating and active functions on the perimeter, and kitchens or conference rooms (which often seek privacy or black-out) more inboard. Although not optimum, perimeter corridors with glass ‘storefronts’ are preferable to dark or fully draped conference rooms.

**At the Final Recommendation Meeting,** the Board supported the transparent and active lobbies and perimeter uses as presented, although they were concerned the southwest wall facing the plaza deserved more permeable activation. To mitigate for this, they recommended substantial night lighting in this area, and that the interior café functions remain visible and be ‘eyes on the plaza’ whenever occupied.

- A-5** **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

**At the Early Design Guidance Meeting,** the Board discussed the proposed tower massing and location at length, and ultimately agreed the north face of the tower should shift approximately 30 ft south of the north property line, to afford more space from the residential building to the north (proposed about 70 ft, increasing to about 85 ft), and to create a more dramatic offset from the 45 ft base along Harrison. This will also reduce shadow impacts on the residential building, north sidewalks, and the potential plaza at the northeast corner of Harrison and 9<sup>th</sup>.

**At the Final Recommendation Meeting,** the Board applauded the approximate 30 ft shift in the tower, in response to EDG and public comments.

- 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 endorsed: the proposed Option 3 locations of retail which reinforce the corners; the glass pavilion character of the south retail, its activation of the south plaza and its recessed café zone along 9<sup>th</sup>; and the secondary lobby entrance from the northeast corner. The Board suggested the northeast retail corner glass be recessed from 9<sup>th</sup> and from Harrison slightly more than shown on booklet pg A-28 (also see Departures).

**At the Final Recommendation Meeting**, the Board supported the corner recesses and façade treatments at both street corners.

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

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

*SLU-specific supplemental guidance:*

- *Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.*
- *Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level. Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.*
- *Relate proportions of buildings to the width and scale of the street.*
- *Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.*
- *Consider using architectural features to reduce building scale such as: landscaping; trellis; complementary materials; detailing; accent trim.*

**At the Early Design Guidance Meeting**, the Board supported the strong base and tower expression, with the approximately 45 ft top of the base element holding close to the property line, even if the transparent glass recesses below. The layered base shown (booklet pg A24 and A-35) provides folded planes that relate to the tower.

The Board strongly agreed the tall and 200 ft+ long tower facades need the proposed folds and tapering to diminish the shadow and bulk impacts, and suggested the east façade incorporate at least one more fold and/or recess to better meet the intent of maximum Façade Length (see Departures). Additional tapering of the tower's north end is welcome, to reduce bulk and shadow impacts, even with the tower shift described in A-5 above.

**At the Final Recommendation Meeting**, the Board applauded the tower refinement, especially the added indents on the south, west and north facades, and the 4 notches with the contrasting accent panels on one face. They also agreed the horizontal sunscreens and alternating vertical fins contribute to softening the bulk of a large floor plate tower; these elements should remain as presented.

## C. Architectural Elements and Materials

- 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.

*SLU-specific supplemental guidance:*

- \* *Design the “fifth elevation” — the roofscape — in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Therefore, views from outside the area as well as from within the neighborhood should be considered, and roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.*

**At the Early Design Guidance Meeting,** the Board supported the 45 ft base relationship to street scale and context, and the use of south facing terraces as amenity space; the landscape design of this terrace and all lower roofs should be designed as a sustainable “5<sup>th</sup> elevation”, visible from the tower and surrounding buildings.

**At the Final Recommendation Meeting,** the Board endorsed the roof deck design and plantings as presented.

- 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 discussed how the design development should add scale and pedestrian interest at all ground level, street facing facades, using materials, mullion details, canopies, glass variations, and other techniques suggested in the sections on pg A-29/30, and similar to the precedent images on pg A-17/18.

The Board strongly endorsed the “cribbing” façade concept, which adds texture and pedestrian scale to the street, and historical reference. This site-specific precedent could more strongly inform many aspects of the lower facades, including a very rugged base texture, the cantilevered canopies, and the plaza landscape design.

**At the Final Recommendation Meeting,** the Board strongly endorsed the material palette, variety and richness presented, and the certainty that the ‘cribbing’ portion of the podium would be the contrasting terra cotta material presented.

## 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.

*SLU-specific supplemental guidance:*

- *New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as: curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow; pedestrian-oriented street lighting; street furniture.*

**At the Early Design Guidance Meeting,** the Board supported the deeply recessed office lobby, which should incorporate transparent sight lines, clear signage and other wayfinding cues, to make this primary building entry attractive and convenient.

The Board strongly supported the concept and size of the proposed Option 3 open space at grade at the south end of the site, as it provides a valuable semi-public place, with good sun exposure and reinforces the proposed Green Street along Thomas. Regarding the landscape concept presented for this space on pg A-36, the Board supported the basic hardscape/planting proportions, and the mix of fixed and movable seating.

The Board had serious reservations about the 'wall' of enclosure the proposed bamboo creates to the south sidewalk, and recommended limiting the dense bamboo to the alley and small groves of experience (that might surround the southwest stair), but increase the gaps and visibility along the south sidewalk edge, perhaps changing species. Also consider adding more walkways between the corner and alley, even if involving steps. The Board applauded how the corner retail opened to the south and activated this space, and suggested the adjacent café/conference uses could do similar on the west edge. The west part of this plaza should not become privatized.

**At the Final Recommendation Meeting,** the Board agreed the perimeter plantings had been thinned sufficiently to afford visibility into the plaza, and the additional steps created a welcoming aspect. All subsequent documents should reinforce the more transparent edge represented in the perspective on booklet pg A-21 (bamboo clumps of 4-5), rather than the bamboo density suggested on the plan pg A-26 (clumps of 8-9).

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

*SLU-specific supplemental guidance:*

- *Enhance public safety throughout the neighborhood to foster 18-hour public activity. Methods to consider are: enhanced pedestrian and street lighting; well-designed public*

*spaces that are defensively designed with clear sight lines and opportunities for eyes on the street; police horse tie-up locations for routine patrols and larger event assistance.*

**At the Early Design Guidance Meeting**, the Board noted that their guidance on the open space edges would improve pedestrian permeability, visibility and safety.

**At the Final Recommendation Meeting**, the Board strongly endorsed the complete lighting plan as presented, and recommended additional wall or low-level lighting at the northwest corner of the south plaza, to improve night safety, since the adjacent use is not permeable and may not be occupied.

**D-8 Treatment of Alleys.** The design of alley entrances should enhance the pedestrian street front.

**At the Early Design Guidance Meeting**, the Board discussed how the proposed alley parking entrance is close to the Harrison sidewalk, and agreed the parking portal should be set as far south as possible. Also, the adjacent setback design should guide pedestrians to ensure safe sight lines and visibility.

**At the Final Recommendation Meeting**, the Board agreed with the parking portal placement, and the base material treatments, and recommended the glass display case wrap the alley corner 3+ ft as shown in some drawings such as A-18 and A-45.

**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.

**At the Early Design Guidance Meeting**, the Board agreed the office floor plates should include motion sensors, lighting by zones, and/or timers on the lighting, to conserve energy and limit excessive light pollution into surrounding properties, especially residential units to the north.

**At the Final Recommendation Meeting**, the Board strongly reiterated the tower not be lit all night, and recommended the recessed lobby implement the “lantern” lighting as represented on pg A-16, to help as pedestrian wayfinding in the winter months.

## **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.

*SLU-specific supplemental guidance:*

- *Consider integrating artwork into publicly accessible areas of a building and landscape that evokes a sense of place related to the previous uses of the area. Neighborhood themes may include service industries such as laundries, auto row, floral businesses, photography district, arts district, maritime, etc.*

**At the Early Design Guidance Meeting**, in addition to the recommendations in D-1 above, the Board suggested more site/neighborhood specific themes - similar to the ‘cribbing’ explanation - be explored and integrated into the open space and/or architectural design, eg custom seating, paving treatments, recycled materials, public art, etc, to make this project fit more specifically into this distinct cultural setting.

**At the Final Recommendation Meeting**, the Board supported the landscape materials, plant species and design approach, including the designated size, number and placement of seating blocks at southeast and northeast corners. The Board recommended that all tree and other uplighting be carefully pointed away from adjacent sidewalks and structures, and be specified to not add excess night-sky light pollution.

## **DEVELOPMENT STANDARD DEPARTURES**

The Board’s recommendation on the requested departure(s) will be based upon the departure’s potential to help the project **better meet** these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). At the time of the Final Recommendation meeting, the following departure from current code requirements was requested:

- 1. Façade Modulation (23.48.014.D):** In brief, the Code requires any non-residential use above 85 ft and within 15 ft of a street lot line, to display the following maximum façade lengths: 45 – 125 ft height = 150 ft maximum length; over 125 ft height = 120ft maximum length. The applicant proposes a folded façade approximately 240 ft long x 160 tall, with the north and south ends tapered inside the 15 ft line, and a sliver portion in the 15 ft setback about 5 ft (at deepest) x 150 ft long; the departure is for portions of that sliver about 10 ft long for the first 9 floors to 125 ft, and about 40 ft for the top 3 floors above 125ft. The tower voluntarily sets back 10 ft from the property line in all locations.

**The Board voted 5-0 in recommendation of this departure as shown**, given the significant reduction of the bulk of the tower that could be at the property line. Additionally, the north and south ends are less than the maximum width allowed by code, and the small slivers that depart are mitigated by the deep notches which are expressed by accent color panels. (Guidelines B-1, C-2, C-3)

## BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated July 17, 2013, and the materials shown and verbally described by the applicant at the July 17, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five West Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

- 1) North Display Case: Prior to Certificate of Occupancy - to provide pedestrian interest on a substantial percentage (about 30%) of an emerging pedestrian street - provide a Display Case Management Plan to ensure the cases will be diligently managed and curated to ensure: a frequently changing (6 month maximum), minimal downtime (2 weeks maximum), and high quality of artful content be contained in the cases, for the life of the building. Provide generous, flexible track lighting (for varying art displays), electrical outlets, and generous sized access doors or windows into the display cases.
- 2) South Plaza landscaping: All subsequent documents should reinforce the more transparent edge represented in the perspective on booklet pg A-21 (bamboo clumps of 4-5), rather than the bamboo density suggested on the plan pg A-26 (clumps of 8-9).
- 3) West Plaza: To mitigate for absence of doors or permeability from the adjacent use, add additional wall or low-level lighting at the northwest corner of the south plaza, to improve night safety, since the adjacent use may not be occupied. Ensure through management practices that the interior café functions remain visible and be 'eyes on the plaza' whenever occupied. To limit internal shades darkening that south facing glass wall, consider exterior sun control louvers .
- 4) Lighting: Ensure the lighting plan achieves the lobby lantern presence shown on drawings. All building lighting, tree and other uplighting shall be carefully pointed away from adjacent sidewalks and structures, and while meeting CPTED criteria, be specified to not over-light or add excess urban night-sky light pollution.
- 5) Materials: Maintain the deep red color terra cotta at the podium, vertical fins and sunscreens at the tower, high transparency around the entire base, and wrap the clear glass display case for a minimum of 3 ft along the alley at the northwest corner.

### Response to Recommended Design review Conditions:

- 1) The applicant will install a permanent, dynamic artwork in the display case, subject to DPD approval. The proposal meets recommended condition #1.
- 2) The applicant modified the landscape species and spacing, as shown in the MUP plan set. The proposal meets recommended condition #2.
- 3) The applicant added lighting and sunshades, as shown in the MUP plan set. The proposal meets recommended condition #3.

- 4) The applicant modified the lighting fixtures and positioning, as shown in the MUP plan set. The proposal meets recommended condition #4.
- 5) The applicant modified the display window at the alley, and confirmed the materials, as shown in the MUP plan set. The proposal meets recommended condition #5.

## **DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

## **II. ANALYSIS – SPECIAL EXCEPTION**

SMC 23.40.032 B2 states “*parking for nonresidential uses in excess of the maximum quantity identified in subsection 23.48.032 B1 may be permitted as a special exception... the Director shall consider evidence of parking demand and the availability of alternative means of transportation, including but not limited to the following*”:

- a. *Whether the additional parking will substantially encourage the use of single occupancy vehicles;*

The additional parking is not expected to encourage the use of single occupancy vehicles. Pursuant to SMC 23.48.011 E2, the project will be required to achieve a maximum 40% single-occupant vehicle goal; achieving such a goal will require a thorough and aggressive Transportation Management Program. A typical office building has roughly 4 employees per 1,000 square feet of gross floor area. A parking rate of 1 space/1,000 sq. ft. would require three out of four employees to commute by other than a single-occupant vehicle. This would be consistent with, roughly, a 25% SOV rate. It is unlikely at present that even a very aggressive TMP for this project could achieve an SOV rate this low.

- b. *Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;*

The project is not expected to have an appreciable number of employees who work shifts that end when transit service is not readily available.

- c. *Proximity of transit lines to the lot and headway times of those lines;*

Traffic modeling performed for the South Lake Union Height and Density EIS incorporated existing and future transit service in the South Lake Union neighborhood. Even so, the EIS predicted that approximately 41% of employees would drive alone and 10% would carpool. Transit service near this site is typical of the South Lake Union neighborhood, and is unlikely to result in transit usage substantially greater than that forecast in the Height and Density EIS.

- d. *The need for a motor pool or large number of fleet vehicles at the site;*

The project is not expected to require a substantial motor pool or have a large number of fleet vehicles at the site.

- e. *Proximity to existing long-term parking opportunities within the area which might eliminate the need for additional parking;*

Existing long-term parking opportunities may exist within the area, particularly at Seattle Center. However, as noted below (item f) providing such parking could adversely affect vehicular and pedestrian circulation through the area. Several surface lots are located within two blocks of the project, with a total parking capacity of approximately 254 stalls among the lots. Recent counts determined that 83% of these spaces were occupied at 11 AM (typically a peak time for office parking demand), leaving only 43 spaces for additional vehicles. As the project is expected to generate a small amount of spillover parking demand even with the increased parking supply requested as a special exception, the number of available off-site spaces likely will decrease. Additionally, one or more of these sites could be redeveloped during the lifespan of the proposed project, which could further reduce potential sources of parking.

- f. *Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;*

Not granting the special exception would not be expected to encourage a further shift to non-auto modes; the most likely result would be increased use of off-site parking by drivers to the site. Depending on the location of such parking, this could result in increased auto travel through the area, which could adversely affect vehicular and pedestrian circulation.

- g. *Potential for shared use of additional parking as residential or short-term parking;*

Office (long-term) spaces are expected to be available in the evening and on weekends when commercial (short-term) parking demand is expected to peak.

- h. *The need for additional short-term parking to support retail activity in areas where short-term parking and transit service is limited.*

A majority of commercial trips to and from the site are expected to be made by walking or transit. However, during peak demand time for the office use (midday on a weekday), the commercial uses are expected to generate a parking demand of about six vehicles. This small amount of commercial parking will be accommodated either on-site or by nearby on-street parking.

### **DECISION – SPECIAL EXCEPTION**

Based on evidence of parking demand, availability of alternative means of transportation, and the other criteria listed above, the special exception for parking exceeding the maximum quantity is **GRANTED**.

### **III. ANALYSIS - SEPA**

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the South Lake Union Height and Density Alternative in April 2012. The FEIS identified and evaluated the probable significant environmental impacts that could result from the redevelopment of the South Lake Union for a variety of rezone scenarios. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and other alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and the proposed development is within the range of actions and impacts that were evaluated in the various alternatives. The site is located on the western border of the Cascade area described in the FEIS. DPD determined that it is appropriate to adopt the FEIS and prepare an FEIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD adopts the FEIS. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS.

The FEIS Addendum and related documents addressed the following areas of environmental impact:

- Energy, Greenhouse Gas Emissions

- Aesthetics –Urban Design -Height, Bulk, and Scale
- Light, Glare & Shadows
- Viewshed
- Historic Resources
- Transportation and Parking
- Construction

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of the Addendum to the Final EIS for the South Lake Union Height and Density Alternatives EIS” (the Addendum) was published in the City’s Land Use Information Bulletin on July 11, 2013. A copy of the Addendum was sent to parties of record that commented on the EIS. In addition, a copy of the notice was sent to parties of record for this project.

### ENVIRONMENTAL IMPACTS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS, with more specific project-related discussion in the 2013 Addendum and related documents.

#### A. Short Term Impacts Identified in the FEIS Addendum

##### Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

The FEIS generally identified potential impacts from new construction in the South Lake Union area.

##### Construction: Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.

Some of the nearby properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

The Addendum listed several potential mitigation measures to reduce construction noise impacts. Any construction noise management plan shall include these mitigation measures, as well as any additional measures deemed necessary by DPD to mitigate noise impacts to nearby residences.

### Construction: Parking and Traffic

During construction, parking demand is expected to 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.

Increased trip generation is expected during the proposed demolition, grading, and construction activity, with haul routes restricted to nearby arterials (Ninth Ave N, Westlake Ave N, and N. Mercer St). The immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts and other haul truck trip impacts, the applicant shall submit a Construction Haul Route to SDOT for approval, and Construction Parking Plan to DPD for approval. The Construction Haul Route plan should incorporate mitigation listed in the Addendum, including staging areas, peak hour restrictions, and may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of these approved plans shall be provided to DPD prior to the issuance of demolition and building permits.

### B. Long Term Impacts Identified in the FEIS Addendum

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS addendum.

#### Energy, Greenhouse Gas Emissions

The Addendum analyzed the energy and greenhouse gas emissions aspects of the proposed development, and overall, the potential greenhouse gas emissions associated with the development is within the range identified for Alternatives 1-3 in the South Lake Union EIS. The proposed development would comply with the city's Energy Code and designed to meet LEED Gold standards; further conditioning is not warranted.

#### Height, Bulk and Scale

The FEIS recommended specific strategies to mitigate the impacts of additional height, bulk, and scale for new development that conforms to the new zoning designations. Most of these strategies are implemented through the Design Review process, as required by SMC 23.41.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. 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. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The proposal has gone through the Design Review process as described earlier in the Design Review Analysis portion of this document. Therefore, the department concludes that no adverse height bulk and scale impacts will occur as a result of the proposal, and further conditioning is not warranted.

#### Public Views and Viewshed

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. The South Lake Union FEIS discussed potential public view impacts from Volunteer Park (Capitol Hill) and Bhy Kracke Park (Queen Anne).

The proposed development is lower height than analyzed for Alternative 1 in the FEIS (160’ proposed; 240’ analyzed). The site is also in a location that would not result in blockage of public views of mountains, water, or the Space Needle, from the two above listed parks.

There are 3 public parks in the vicinity, but only views from South Lake Union Park could be impacted by the proposed development. From this park, the development would appear as a continuation of existing development in the area and not create significant visual impact.

The Addendum analyzed the proposed development as seen from two designated Scenic Routes: Southbound I-5, and the Mercer Street off-ramp. The proposed development is located in a manner that maintains a view of the Space Needle, mountains and downtown skyline from the two scenic routes.

The proposed development does not block views of any nearby historic landmarks.

Consequently the impact to the public views from parks and the Scenic Routes is less than identified in the FEIS, and conditioning is not warranted.

#### Light, Glare & Shadows

The FEIS included consideration of glare from new buildings clad in reflective materials. The FEIS noted that reflective materials are typical of tower development and do not offer a significantly adverse impact to the urban environment. The FEIS listed a variety of strategies that could be used to mitigate glare, including varied façade materials.

The proposed development includes a variety of cladding materials, including matte finish cladding and metal panels, deep mullions to break up surfaces, and non-mirror glass. The Department concludes that no adverse glare impacts will occur as a result of the proposal.

The proposed development would not contribute to shadows on South Lake Union Park, or any other parks, playgrounds or schoolyards.

### Historic Resources

There are three existing structures on the site proposed to be demolished. All three are 50 years or older, and are not designated landmarks. Supplemental information (Appendix A) on all three was prepared and reviewed by the Department of Neighborhoods. Based on that review, the city's Historic Preservation Officer concluded that the structures do not appear to meet criteria for landmarks designation, thus the demolition of the structures is not a significant impact.

### Transportation and Parking

SMC 25.05.675M and 25.05.675R require that the Director assess the extent of adverse impacts of traffic, transportation, parking and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of the EIS alternatives as they relate to the overall transportation system and parking demand. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The traffic analysis associated with the proposed development ("Transportation Impact Analysis for Block 52 – 325 Ninth Ave N, by Heffron Transportation Inc., dated March 29, 2013") 3014638 referenced in the Addendum, found that the proposed development would result in approximately 1,510 daily trips, 227 AM peak hour trips, and 207 PM peak hour trips. This is within the range of potential trips analyzed in the FEIS. Subsequent project revisions documented in "Updated Trip Generation and Traffic Impact Fees" (Heffron Transportation, Inc., dated August 26, 2013) slightly reduced these numbers, to 1,490 daily trips, 223 AM peak hour trips, and 202 PM peak hour trips.

The study also examined impacts to nearby intersections and corridors in the project vicinity and found that the vehicle trip impacts were consistent with the analysis in the EIS.

The Transportation Technical Report and updated analyses found that the peak parking demand for the proposed development is 452 vehicles. The proposed amount of parking is for 443 spaces. This number of parking spaces accommodates almost all of the anticipated parking demand, but is beyond the maximum parking limit in this zone and requires a Special Exception. The Special Exception review and approval are documented in Section II of this MUP Decision.

The project was required to mitigate traffic impacts by implementing a Transportation Management Plan (TMP). The goal of the TMP would be to reduce single-occupant vehicle trips to 40 percent of trips at the site. DPD and SDOT have reviewed and approved the proposed TMP, and it was subsequently recorded with King County (KC Recording #20130821001493).

The project will also mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union as outlined in DPD Client Assistance Memo (CAM) 243. Pursuant to that mitigation payment system, the project proposes to pay a contribution of \$189,513, based on a pro-rata proportionate share calculation, in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules, and conditioned with this decision.

The mitigation measures are consistent with those discussed in the EIS. The TMP and the condition to pay a pro rata contribution of \$189,513 are expected to adequately mitigate the adverse impacts from the proposed development.

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

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

### **SEPA - CONDITIONS OF APPROVAL**

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

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #5, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include the specific mitigation listed in the Addendum, and may include additional proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.
2. The applicant shall provide DPD with a copy of a Construction Haul Route, approved by Seattle Department of Transportation.
3. An approved Construction Parking Plan is required. This shall be provided to the Land Use Planner for review and approval (Garry Papers, (206) 684-0916, [garry.papers@seattle.gov](mailto:garry.papers@seattle.gov)).

#### **Prior to Issuance of a Building Permit**

4. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$189,513 to the City of Seattle.

During Construction

5. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

**DESIGN REVIEW - CONDITIONS OF APPROVAL**

Prior to Certificate of Occupancy

6. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Garry Papers, (206) 684-0916, [garry.papers@seattle.gov](mailto:garry.papers@seattle.gov)).
7. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Garry Papers, (206) 684-0916, [garry.papers@seattle.gov](mailto:garry.papers@seattle.gov)).

For the Life of the Project

8. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Garry Papers, (206) 684-0916, [garry.papers@seattle.gov](mailto:garry.papers@seattle.gov)).

Signature: \_\_\_\_\_ (signature on file) Date: October 3, 2013  
Garry Papers, M.Arch, NCARB  
Senior Land Use Planner  
Department of Planning and Development

GP:drm

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