



City of Seattle

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

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

**Application Number:** 3014653  
**Applicant Name:** Jodi Patterson-O'Hare, for City Investors, LLC  
**Address of Proposal:** 400 9<sup>th</sup> Avenue N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 12-story structure containing approximately 296,651 sq. ft. of office with approximately 3,813 sq. ft. of retail use at ground level. Parking for approximately 427 vehicles will be located in below grade garage. Review includes demolition of existing structure. \*An addendum to the South Lake Union Height and Density EIS has been prepared.

The following approvals are required:

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

**Special Exception** – SMC 23.40.032

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

**Design Departures Granted:**

- 1) SMC 23.48.013.D, maximum length of non-modulated façade above 65 feet;
- 2) SMC 23.48.013.D, maximum length of non-modulated façade above 125 feet.

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

[ ] DNS with conditions

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

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

**BACKGROUND INFORMATION:**

The 43,153 square foot, half-block development site, located within the South Lake Union Urban Center, is rectangular in shape and slopes downwards from the southwest corner to the northeast corner approximately 8 feet. There are no identified environmentally critical areas on or abutting the site. The site is zoned SM 160/85-240. The south end of the site is currently occupied by a one-story commercial building, 10,705 sq. ft. in size, constructed in 1948. The building has been reviewed by the Department of Neighborhoods and determined not to be eligible for Landmark status. The remainder and majority of the land on the site is currently utilized as a surface parking lot accommodating 105 vehicles. Proposed access to the planned new underground parking is from the north/south alley that runs between Republican Street on the north and Harrison Street on the south.



Much of the existing development along this portion of 9<sup>th</sup> Avenue N. consists of older, single-story retail commercial buildings. Veer Lofts, a newer residential building with ground-floor retail space is located directly to the west across 9<sup>th</sup> Avenue N. The entire block northwest of the site is occupied by a recently constructed University of Washington medical research laboratory and office building. Two six-story office buildings have been proposed for the half-block across Republican Street N. and to the north of the site. A 12-story mixed use office structure is proposed for the entire block along 9<sup>th</sup> Avenue N. to the south and west of the site.

In recent years the South Lake Union Urban Center has seen intensive new development, with many multi-story office buildings, research labs, and some multi-story residential buildings arising from an area that formerly was characterized by single-story commercial buildings and large surface parking lots. Ninth Avenue N. divides the “Waterfront” sub-area of South Lake Union occupying the center of an area differentiated by the “Aurora Corridor” to the west, said to be the “most undefined” area within the overall neighborhood and the one with the most eclectic variety of existing buildings.

**Public Comments**

Public comment was invited at the initial Master Use Permit application, at the Early Design Guidance public meeting, and at the Recommendation public meeting. Comments from the Design meetings are noted within the Design Review process summaries which follow below. No other written comments were received.

**ANALYSIS – DESIGN REVIEW**

**Early Design Guidance Meeting, March 13, 2013**

**ARCHITECT’S PRESENTATION**

After a few comments from Hamilton Hazelhurst of Vulcan, the developer of the project, Kay Compton and Ross Leventhal from the NBBJ Architectural firm and Todd Bronk, landscape architect with the Berger Partnership Made the presentation of the applicant’s program and

proposal to the Board and members of the public who had assembled for the meeting. Two exploratory massing schemes were at first briefly presented, each one holding the corners of the site. Scheme 1 pushed the bulk of the building's mass north on the site at 12 stories. A central core set well back from 9<sup>th</sup> Avenue N. provided the main entry to the office portion of the development and connected two larger, distinct building elements. A three story podium, occupying the south 1/5<sup>th</sup> of the site faced onto Harrison Street, extended to the alley and wrapped around the larger 12 story element for a distance along 9<sup>th</sup> Avenue. The higher portions of the building were said to be shifted north on the site to maximize the daylight exposure for Veer Lofts across 9<sup>th</sup> Avenue to the west.

Scheme 2 presented a 12-story façade the entire length of the alley and overlapped a podium that extended most of the way to 9<sup>th</sup> Avenue N. while facing onto Harrison Street. The building configuration was indented along the alley and provided with a central light well.

The third and "preferred" alternative was described as a "slipped-bar scheme," with the office portion of the building in three distinct masses with the podium building on the south interlocked with tower portion along the alley but essentially standing as a pavilion, separated at ground level by a mid-block alley-pedestrian connection and open to a courtyard or plaza on the west side. The courtyard would provide the main entry to the office tower, which would face due south, as well as to the retail space in the "pavilion" portion of the structure. Parking access would be from the alley off of Republican Street. The plaza area, or a portion of it, would have a translucent canopy at the 35-foot height level. A curb-less portion of a protective curb bulb bringing plants and other landscape elements to the bike lane at the street would allow unfettered access to the plaza area. The lobby area and adjacent office space would be designed flexibly in order to allow for later use as retail space if desired. See the DPD Design Review website for a copy of the packet presented

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

Two departures from development standards were identified by the applicant. One was a request to allow an additional 69 feet of the façade along 9<sup>th</sup> Avenue N. to be more than 12 feet from the property line. The proposed Code revisions for the SM zone would permit only 30% (or 96 feet) to be set back more than 12 feet. (Proposed new zoning, 23.48.014, Street Level Development Standards). The other departure would be from stipulations in SMC 23.48.013 D.1 (at the time of the meeting only proposed, not enacted), Façade Modulation. Between 45' and 125' high, the maximum façade length located within 15' of the street property line is requested by the applicants to be 159'-6" (rather than the required 150'), and the setback portion between façade lengths is requested to be 26' (rather than 40'). Likewise, between 125' and 160' high, the applicants requested to be allowed to extend the maximum façade length allowed to 159'-6" (120') and to reduce the setback façade length to 26' (from 40').

## **PUBLIC COMMENT**

Approximately 14 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- A resident of the Veer Lofts, identifying himself as an architect, liked the slipped bar scheme which he thought bestowed a certain elegance to the preferred scheme, indicating that the 9<sup>th</sup> Avenue N. should not suffer from being shortened a bit.

- Stated that the project should provide any outdoor spaces required by code and address the hydrological demands and the security demands of the site; security lighting should be provided along the alley but carefully so as not to be disruptive to neighboring residences.
- A resident of Veer Lofts applauded the cut-through at the corner plaza and to the through-to-the-alley passageway; noted that the skin of the building was very important, especially since some of the newer structures in SLU were less than delightful; would like to see something delightful here;
- A plea on behalf of bicyclists and pedestrians for even greater effort to provide for their interests; easy access to the plaza as a stopping and resting place important;
- The broader community should have access to the roof gardens and vantage points within and atop the structure; think of these as public amenities;
- “Be bolder about the amount of public space”;
- Hold onto the cross-alley connection;
- A property owner to south across Harrison Street, applauded transition provided by the pavilion; happy that the retail space and plaza are at south edge of the office tower.

### **Board Priorities & 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 guidance and major directions for successful future design development.

- Provide greater modulation at street level along 9<sup>th</sup> Avenue N., greater transparency and provide for additional (if future) knockouts/ entries along that face of the building;
- Provide a more discernible sense of rhythm along the ground floor at 9<sup>th</sup> Avenue N., providing for better pedestrian experience of the building;
- Provide a sense of safety and refuge for the pedestrian (and bicyclists) at the corner of 9<sup>th</sup> Avenue N. and Republican Street, a busy street, bound to get busier.

The Board then identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

**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.**

*The response of the open space at the southwest corner and scheme for providing for a through-to-the-alley connection and future through-block connections were welcomed by the Board.*

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

*It was thought by the Board members that the landscaping responses, interlacing the east and the west sides of 9<sup>th</sup> Avenue N. were on the right track, as was the choice to provide a large open space at the corner of Harrison Street and 9<sup>th</sup> Avenue N. It was acknowledged that Republican Street was a busy, car-dominated arterial, destined to become even busier. The Board was concerned that the corner of 9<sup>th</sup> Avenue N. and Republican Street allow ample room for pedestrians and not become overly pinched.*

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

*The Board thought the open space at the southwest corner of the site was a fine move and generous in response to the presence of the Veer Lofts across 9<sup>th</sup> Avenue N.*

**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.**

*The massing responses to the Veer Lofts and to the Tesla building across the alley were positive moves on the part of the design team.*

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

*This was seen as one of the primary challenges for the project, providing amenity spaces that addressed programmatic needs for building entries while also providing comfort and security for the neighbors. It was important to provide clear spatial signs that the southeast corner space was intended for public use as would be the alley connector. The Board cautioned that the structure required by the covering or canopy over a portion of the amenity space not become so massive as to discourage passage or dalliance.*

**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.**

*The Board agreed that the best strategy was shifting the bulk of the building to the north on the site while stepping the major mass of the building back from Harrison Street as well as setting the west façade back from 9<sup>th</sup> Avenue N. as proposed. The Board expressed a willingness to recommend approval of the departures requested from modulation restrictions along the 9<sup>th</sup> Avenue façade provided the seam between the tower and base was maintained and that the design team return with a more fully developed and convincing presentation of the podium level along 9<sup>th</sup> Avenue N., one that addressed concerns expressed about the impressions given of an unfriendly planer wall, lacking in variation; provide flexibility for future moves and for providing positive interactions with the pedestrian realm along the 9<sup>th</sup> Avenue sidewalk.*

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

*At the Early Design Guidance Meeting, the Board acknowledged that the preferred design embodied a desirable sense of deference both to the Veer Lofts and block of lower structures across Harrison Street to the south.*

**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 discussed the need to create a unified building that provided a synthesis between the podium, pavilion and office tower and thought the model in particular indicated a clear indication of moving in the direction of this desired synthesis.*

- 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 noted that the questions of scale and human interaction were matters of special concern along that portion of the structure along 9<sup>th</sup> Avenue N. north of the plaza area.*

- 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 indicated that the examples of “stitchery” of cladding materials shown both in the packet and the presentation provided the right direction for design development and provided strong suggestions crucial to a successful engaging design of the base of the structure along 9<sup>th</sup> Avenue N.*

- 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.**

*As noted in discussions, the Board indicated particular concerns regarding the comfort and security of pathways leading to and from the alley and the openness and invitational quality of the amenity space at the southwest corner of the site.*

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

*In choosing this Guideline as one of highest priority, the Board expressed concern for the appearance of the 9<sup>th</sup> Avenue N. and Republican Street facades, noting that even a transparent glass wall, unless assisted and abetted by other design elements at a human scale, especially including those that impart an engaging rhythm, can actually be devoid of pedestrian comfort and interest.*

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

*There were no particular concerns expressed by members of the public or the Board regarding personal safety or security issues other than those ordinarily connected to the adequacy of nighttime lighting, etc.*

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

*This should be considered, somewhat obliquely, in light of the proposal to create a connection to the alley at mid-block and to create a special environment within and along the alley at that point.*

**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 lighting should be designed to enhance the ground plane and to provide a glow rather than a glare for neighbors to the project. The Board expects the design team to come back with a lighting strategy that provides for that goal.*

**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 awaits a fuller explanation and demonstration of the strategy, particularly as it applies to the covered space of the through-to-the-alley connection.*

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

*The Board expects the design team to proceed along the direction of the plans shown, with fuller details as the building's design matures.*

**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.**

*The Board awaits further details of the landscaping at plaza and terrace levels of the structure and would like the design team to address the possibility of allowing some public access to an upper terrace level as well as to spaces already indicated.*

## **DEVELOPMENT STANDARD DEPARTURES**

The Board noted that its recommendation on the requested departures would be based upon the Board's evaluation of these departures' potential to help the project better meet the Board's guidance and these design guideline priorities. They would evaluate the contributions the departures requested would serve to achieve a better overall design than could be achieved without the departures. Members of the Board indicated their willingness to look favorably on the requested departures because of the gestures already undertaken to ensure a quality design. A final recommendation on the requested departures, however, would be reserved until the final Board meeting.

## Final Recommendation Meeting—August 28, 2013

### ARCHITECT'S PRESENTATION

#### *DESIGN PRESENTATION*

The packet included materials presented at the meeting, and is available online by entering the project number (3014653) 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 applicant clarified that where the renderings and landscape plans disagree, the landscape plans more accurately demonstrate what is proposed. The applicant noted that the renderings are outdated for some areas of the southwest courtyard and 9<sup>th</sup> Ave N street frontage.

#### **PUBLIC COMMENT**

No public comments or questions were offered at the Final Recommendation meeting.

#### **Board Deliberations**

All six Board members attended the recommendation meeting. The Board's comments and discussion focused on the following elements of the design:

1. **Courtyard:** The Board supported removal of the canopy compared with the EDG conceptual design, the proposed lighting in the courtyard, the aluminum "bridge" elements in the courtyard, and the glossy finish to reflect light from the south façade near the mid-block pass through. (A-2, A-4, A-10, C-2, C-4, D-1, D-7, D-8, D-10)
  - a. The Board recommended a condition to provide pedestrian level lighting for increased security at the alley elevation, between the mid-block connection and the street. (D-7, D-10)
  - b. The Board supported the multiple entrances to the mid-block connection, the transparency to the alley, the bike parking, and the building set back at the mid-block connection. (A-1, A-2, A-4, B-1, D-1, D-7)
  - c. The Board recommended approval based on the landscape plans and drawings, as opposed to the representation of landscaping shown in the renderings. (A-1, A-2, D-1, E-1, E-2)
2. **Northwest Corner:** The Board discussed the design of the northwest corner since the conceptual design shown at EDG. The Board determined that the changes to the northwest corner landscaping and pedestrian realm met the Design Review Guidelines. (A-1, A-2, A-4, D-1, E-1, E-2)
3. **9<sup>th</sup> Ave N Street Frontage:** The Board expressed concern about the presence of planters adjacent to the building façade. The Board noted this placement creates physical separation between the sidewalk and the façade, removes areas adjacent to the sidewalk where pedestrians may sit or gather, and may discourage future conversion of the cafeteria areas to retail if the use changes. The Board therefore recommended a condition that the final design of the 9<sup>th</sup> Ave N sidewalk area should reflect the landscape plan on page 22 of the Recommendation packet, or a similar design with smaller planters and areas for future door locations. (A-4, D-1, E-2)

- a. The Board clarified that the proposed building elevation showing planters adjacent to the building on page 40 of the packet does not meet this condition. (A-4, D-1, E-2)
4. **Design Concept:** The Board supported the design concept, and noted that critical aspects of the design include the varied massing of the podium level, the response to nearby context such as the Tesla building, the interesting soffit materials, and the horizontal thin lines and vertical fins as shown on the elevation drawing.
  - a. The Board approved of the revised elevations shown at the Recommendation meeting, which showed thin horizontal bands that extend across the 9<sup>th</sup> Ave N modulation on every third floor. The Board noted that this move enhances the tension of the design concept. The Board therefore recommended a condition to express the west façade horizontal bands very delicately, and relate the expression to the vertical fins on this façade (C-2, C-4).
5. **Signage:** The Board discussed the possibility of signage on the alley, and noted that the signage for the small south building should be high quality and consistent with the design concept. The Board declined to recommend any conditions related to signage. (D-8, D-9)

### **DEVELOPMENT STANDARD DEPARTURES**

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. Façade Modulation (SMC 23.48.013.D): The Code requires a maximum length of 150' for non-modulated facades that are above 65' tall and located within 15' of the street lot line. The applicant proposes non-modulated facades that are 159' in length and between 45'-125' tall on 9<sup>th</sup> Ave N. The applicant also proposes to reduce the length of modulated area to 26' long, rather than the required 40'.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2, B-1, and C-2 by setting back the entire upper façade 10'6" from the property line, for the length of 9<sup>th</sup> Ave N. The departure is required for the areas that are between 10'6" and 15' back from the property line.

The Board unanimously recommended that DPD grant the departure, subject to condition 3, related to the design of the west facade.

2. Façade Modulation (SMC 23.48.013.D): The Code requires a maximum length of 120' for non-modulated facades that are above 125' tall and located within 15' of the street lot line. The applicant also proposes non-modulated facades that are 159' in length and between 125'-160' tall. The applicant also proposes to reduce the length of modulated area to 26' long, rather than the required 40'.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2, B-1, and C-2 by setting back the entire upper façade 10'6" from the property line, for the length of 9<sup>th</sup> Ave N. The departure is required for the areas that are between 10'6" and 15' back from the property line.

The Board unanimously recommended that DPD grant the departure, subject to condition 3, related to the design of the west facade.

## **BOARD RECOMMENDATION**

The recommendation summarized below was based on the design review packet dated August 28, 2013, and the materials shown and verbally described by the applicant at the August 28, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the six Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

1. Provide pedestrian level lighting for increased security at the alley elevation, between the mid-block connection and the street. (D-7, D-10)
2. The final design of the 9<sup>th</sup> Ave N sidewalk area should reflect the landscape plan on page 22 of the Recommendation packet, or a similar design with smaller planters and areas for future door locations. The Board clarified that the proposed building elevation showing planters adjacent to the building on page 40 of the packet does not meet this condition. (A-4, D-1, E-2)
3. Modify the design to express the west façade horizontal bands very delicately, and relate the expression to the vertical fins on this façade (C-2, C-4).

## **DECISION – DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines the six Design Review Board members present unanimously **recommended approval** of the subject design and unanimously **recommended approval** of the requested development standard departures from the requirements of the Land Use Code (listed above), without any conditions.

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

Therefore, the proposed design is **APPROVED as conditioned by the Board** at the August 28, 2013 Design Review Board meeting.

## **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 sf 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, leaving only 43 spaces for additional vehicles. As the project is anticipated to generate a small amount of spillover parking demand even with the increased supply requested as a special exception, the number of off-site parking spaces is expected to 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. The 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**.

### **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 EIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS 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 EIS Addendum and related documents addressed the following areas of environmental impact:

- Height, Bulk, and Scale
- Public Views
- Shadows

- Light and Glare
- Transportation and Parking
- Construction

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of Addendum (“Addendum to the South Lake Union Final EIS for the Height and Density Alternatives”) was published in the City’s Land Use Information Bulletin on July 18, 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 site of the proposed development is within the geographic area that was analyzed in the South Lake Union EIS and within the range of actions and impacts that were evaluated as part of the alternatives associated with the South Lake Union EIS. 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.

### **Short-Term Impacts—Construction Related Impacts**

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 parking, transportation, and mud and dust impacts likely to result from the construction phase.

Because of the non-project specific nature of the South Lake Union EIS, specific impacts related to construction activities were only addressed in the *Air Quality* and *Noise* sections of that document.

#### **Air Quality**

Construction associated with the proposed development would generate air pollutants as a result of fugitive dust from earthwork, excavation and other site preparation activities, as well as from emissions from construction activities. Such emissions, however, would be temporary in nature and generally localized to the immediate vicinity of the construction activity. None of the construction activity or off-site construction-related truck movements are expected to cause violations of applicable ambient air quality standards. All site development activities would adhere to Puget Sound Clean Air Agency’s regulations as well as the City of Seattle’s construction best practices regarding demolition activity and fugitive dust emissions. Given this mitigation, and given the anticipated duration of such, construction-related impacts, although unavoidable, are not considered to be significant and no further mitigation is warranted,

#### **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 any 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 (Fairview 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, 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.

#### Cultural Resources

Although the South Lake Union EIS indicates that the potential for the EIS study area to contain archaeological sites is generally considered to be low, a Cultural Resources Assessment, in accordance with DPD's Director's Rule 2-98 was prepared for the subject site, the northern portion of which lies within the Government Meander line buffer that marks the historic Lake Union shoreline. Due to the fact that there is a moderate probability for the presence of pre-contact and historic-period archaeological remains to be encountered during project construction, the Addendum recommend that the project should include archaeological monitoring as a part of excavation activities, with the monitoring to be carried out until excavations have reached three feet below the glacial surface. Accordingly, this Decision is conditioned to require that such monitoring be conducted by a professional archaeologist under an archaeological monitoring and treatment plan, which shall include an Inadvertent Discovery Plan (IDP) developed in conjunction with the final construction plan.

#### Long Term Impacts Identified in the FEIS

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.

### 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

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. The proposed development is lower in height than analyzed for Alternative 1 in the FEIS (160’ proposed; 240’ analyzed). The South Lake Union FEIS discussed potential public view impacts from Volunteer Park (Capitol Hill) and Bhy Kracke Park (Queen Anne). Extensive photo-simulation analyses in the Addendum have demonstrated that the proposed development on site would not result in any significant impacts to viewpoints from either of the two parks. Views from each of the parks is at least partially obstructed by existing evergreens and vegetation in the park and the proposed development would otherwise appear as a continuation of existing development in the South Lake Union area. No significant impacts are anticipated from either location. Additionally, designated scenic views, landmarks, or scenic routes. Views of the Downtown skyline, the Space Needle, the Olympic Mountains and adjacent water area would still be possible from designated public viewpoints. No significant unavoidable adverse impacts are anticipated from the development and no mitigation is warranted.

### Shadows on Public Open Spaces

The EIS included consideration of shadow impacts to public spaces, including Cascade Park/Playground and P-Patch, Denny Park and Lake Union Park. The Addendum to the EIS included site-specific shadow studies that indicated the shadows to the parks would be minimal and primarily in the evening hours near the summer solstice. Overall, anticipated shadow impacts are not expected to result in significant adverse environmental impacts. The impacts are typical of a developing urban area that is changing from lower intensity development to more intense development. Therefore, the department concludes that no adverse shadow impacts will occur as a result of the proposal, and conditioning is not warranted.

### Light and Glare

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

The Addendum to the EIS included an analysis of potential glare impacts to pedestrians and vehicles. The proposed structure is modulated which is expected to lessen any potential solar glare-related effects. The use of building materials with relatively low-reflectivity at street level should minimize glare-related impacts to pedestrians, motorists and nearby residents. Exterior lighting will include fixture that direct light downward or upward and away from off-site uses. The Department concludes that no adverse glare impacts will occur as a result of the proposal, and conditioning is not warranted.

### 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 provided in Appendix D 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 (“Heffron Transportation, Inc., *Block 45-400 Ninth Avenue N: Transportation Impact Analysis*,” dated April 25, 2013”) referenced in the Addendum\* found that the proposed development would result in approximately 1,530 daily trips, 231 AM peak hour trips, and 210 PM peak hour trips. This is within the range of potential trips analyzed in the FEIS. (Appendix D of the Addendum; Additional parking analysis can be found in the Technical Memorandum prepared by Heffron Transportation and dated June 27, 2013, Appendix E of the Addendum).

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 found that the peak parking demand for the proposed development is 455 vehicles. The proposed amount of parking is for 429 spaces. This number of parking spaces accommodates 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) consistent with DPD’s Director Rule 9-2010. The goal of the TMP is to be able to reduce single-occupant vehicle trips to 40 percent of all commute trips at the site. DPD and SDOT have reviewed and approved the proposed TMP.

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 pro rata contribution of \$249,250 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 \$249,250 are expected to adequately mitigate the adverse impacts from the proposed development.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. According to the City of Seattle Department of Planning and Development SEPA GHG Emissions Worksheet for the lifespan of the project, included in the Addendum, GHG emissions would total 403,689.4 Metric Tonne Dioxide Equivalents (MTCO<sub>2e</sub>). The proposed development would comply with the provisions of the City of Seattle's Energy Code. In addition the development would be designed to reduce climate change impacts by incorporating sustainable features and by meeting LEED Gold requirements. While the impacts are adverse, they are not expected to be significant.

### **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 plan shall be provided to the Land Use Planner for review and approval (Michael Dorcy (206) 615-1393 or [michael.dorcy@seattle.gov](mailto:michael.dorcy@seattle.gov)).
4. A Construction Monitoring and Discovery Plan will be required prior to issuance of any sub-grade excavation or construction on the project site.

#### Prior to Issuance of a Building Permit

5. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$249,250 to the City of Seattle.

#### During Construction

6. 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 Issuance of MUP

7. Provide pedestrian level lighting for increased security at the alley elevation, between the mid-block connection and the street. (D-7, D-10)
8. The final design of the 9<sup>th</sup> Ave N sidewalk area should reflect the landscape plan on page 22 of the Recommendation packet, or a similar design with smaller planters and areas for future door locations. The Board clarified that the proposed building elevation showing planters adjacent to the building on page 40 of the packet does not meet this condition. (A-4, D-1, E-2)
9. Modify the design to express the west façade horizontal bands very delicately, and relate the expression to the vertical fins on this façade (C-2, C-4).

### Prior to Certificate of Occupancy

10. 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 (Michael Dorcy, (206) 615-1393 or [michael.dorcy@seattle.gov](mailto:michael.dorcy@seattle.gov)).
11. 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 (Michael Dorcy (206) 615-1393 or [michael.dorcy@seattle.gov](mailto:michael.dorcy@seattle.gov)).

### For the Life of the Project

12. 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 (Michael Dorcy (206) 615-1393 or [michael.dorcy@seattle.gov](mailto:michael.dorcy@seattle.gov)).

Signature: (signature on file) Date: October 24, 2013  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development