



City of Seattle
Edward B. Murray, Mayor

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

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

Application Number: 3016538
Applicant Name: Brad Hinthorne, Perkins+Will Architects, for Martin Selig Real Estate
Address of Proposal: 3031 Western Avenue

SUMMARY OF PROPOSAL

Land Use Application to allow a 12-story residential building containing 100 units with below grade parking for 75 vehicles. The parking garage will take access from the existing 3101 Western Avenue building’s driveway and garage ramp off Western Avenue. Project work includes 17,800 cubic yards of grading and landscape and pedestrian improvements within vacated Bay Street. The existing parking structure at 3031 Western Avenue will be demolished.

The following approvals are required:

Design Review – Chapter 23.41 Seattle Municipal Code.

SEPA – Environmental Determination – Chapter 25.05 Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

Site area: 18,683 sq. ft. (0.42 acres)

Site Zone: DMR/R 125/65

Nearby Zones: (North) DMC 65
(South) DMR/R 125/65
(East) DMC 65



(West) DMR/R 125/65

Current Development

There is currently one structure located on the development site. The two story masonry building along the north edge of the site, addressed as 3031 Western Avenue, now serves as a parking garage. Constructed in 1939, the structure formerly functioned as a warehouse for tobacconist products.

Vehicular access to the site is currently from Western Avenue.

This Downtown development site is bounded by Western Avenue on the east, Elliott Avenue on the west, the lot containing the 3101 Western Avenue building (also known as the “Airborne Express” building) on the north, and the Seattle Art Museum Olympic Sculpture Park to the south. Included within the development site is the southern half of the vacated Bay Street right-of-way that lay between Western Avenue and Elliott Avenue and which was vacated by the City of Seattle in 1983 under Ordinance #1114450. Actual development within the vacated right-of-way is restricted by a Property Use and Development Agreement (PUDA) that runs with the subject property.

The development site is trapezoidal in shape, with the Elliott Avenue property line flaring slightly inwards as it runs from south to north. The site measures approximately 100 feet in the north/south direction and 180-193 feet in the east/west direction. It is zoned DMR/R 125/65. The purpose of the DMR/R 125/65 (Downtown Mixed Residential) zone is to provide a wide range of uses with emphasis on residential use. Office and retail uses are permitted in the DMR/R 125/65 zone. The zoning allows other uses permitted outright in the Seattle Municipal Code except for: drive-in businesses, outdoor storage, helistops and heliports, light manufacturing uses, general and heavy manufacturing, solid waste management, recycling, all high impact uses and work release centers. The “65” portion of the DMR/R 125/65 zoning designation indicates the lower height limit for any nonresidential or live-work uses. The “125” portion of the zoning designation indicates the allowable height limit for solely residential use. Under Seattle Municipal Code certain rooftop features are allowed to extend above the height limit.

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

The proposed development is for a 12 story residential building, containing approximately 100 units with below-grade parking for 75 vehicles. The parking garage would take access from the existing 3101 Western Av building’s driveway and garage ramp off Western Avenue which bisects the eastern portion of the former Bay Street right-of-way. Project work will also include landscape and pedestrian improvements along vacated Bay street.

DESIGN REVIEW ANALYSIS

EARLY DESIGN GUIDANCE MEETING: February 4, 2014

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

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the 3016538 file, and 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

ARCHITECTS' PRESENTATION

There was a brief introduction by the developer and the developer's attorney, the latter explaining how an earlier residential proposal for the same site, having been recommended for approval by the Downtown Design Review Board and subsequently approved by the Director of the Department of Planning and Development, had, upon appeal, been returned to the Department by the City's Hearing Examiner on the technicality of incorrect public notice. It was noted that the intended design of the current proposal was essentially in keeping with that of the earlier proposed residential building.

First the site and existing uses around the site were briefly described, then a series of public open-space precedents shown with the intention of establishing a comparative basis for discussing appropriate, acceptable and successful precedents when assessing the relationships between the Olympic Sculpture Park and the structures and uses that that should surround it within the context of the City's urban environment. Three different models for the site, differing slightly in massing were next presented to the Board by the architectural team. Each was 125 feet in height as measured from both Elliott Avenue and Western Avenue, yielding a profile that stepped down toward the west at midpoint. The first alternative, identified as the "preferred" alternative, was of a structure 51 feet in width, set back 15 feet from the south property line and with all the mechanical equipment gathered at the north half of the upper roof. Massing option two was similar to the first option, 51 feet in width, but with a horizontal "slot" incised into the uphill portion of the upper tower at the roofline level of the lower portion of the structure. In addition, a portion of the structure at the southeast entry was eroded with the tower cantilevered above. The third option terminated the horizontal slot at the westernmost extent of the entry cantilever, and ran an incised vertical slot to that point, creating an inverted "L" or inverted boot shape resting on the rectangular box of the lower portion of the structure and resolving some of what could be considered the awkwardness of the stepped profile. Each of the alternatives would allow for a large usable recreational space on the lower roof.

In each of the schemes, vehicular access would be from the existing driveway which provides access to underground parking beneath the Airborne Express building.

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

Public Comments:

Comments solicited from the public included the following:

- The first member of the public to speak was from the Seattle Art Museum (SAM) and expressed some general concerns the SAM had concerning impacts of their Olympic Sculpture Park; these included the following items: balconies, shadows, reflections, blockage in summer of the western sun; there was no question of whether the proposed building would loom over the park, so choice of material and architectural articulation were of paramount importance; it needed to be a beautiful building.
- Several individuals spoke to the important "public interest" issues the proposal raised. Although relatively new, the Olympic Sculpture Park has gained a national and international reputation as a special place; the building should not be allowed to overwhelm the park; elements within the south-facing façade should not be allowed to compete with the park; were the balconies as shown in the packet on p.26 portents that suggested overwhelming? Other comments, variously: nothing should be built there, no structure should be more than 65 feet on the Western Avenue side, it should be a "quiet" building, it should be a spectacular building, "sculptural" like the park it abuts. No question is more important than that of context, both the physical and the cultural context of the proposal.
- Some of those attending were residents from nearby residential buildings; some expressed concerns about view blockage; others raised the broader issue of the "fit" of the height (at the allowed 125-foot zoning), bulk and scale of the proposed structure within the existing neighborhood character.
- "I would like to live there," one person said of the proposal; it will provide "eyes on the park." Downtown density is a good thing; density is a part of becoming a great city; the park was conceived as fitting into a denser fabric as the city would grow. Here is an opportunity for a quality structure that could enhance the existing context of the area. The architectural firm designing the building has displayed remarkable sensitivity and talent in other instances (Victoria, B.C., for example) and is quite capable of meeting the challenges here.
- Several other publically-voiced concerns dealt with issues which, as expressed, were less clearly related to elements of design: i.e., the adequacy of the parking proposed for the project, the impacts on the availability of local parking and area traffic, construction noise, the possibility of unearthing contaminated soils.

Board's Deliberations:

Four members of the Downtown Design Review Board attended the meeting on February 4th, 2014.

After hearing the comments of those attending the meeting, the Board began by noting the responsibility of development on the site to respect the sculpture park to the south which has become in the short interval since its opening one of the City's great and cherished spaces. Having said that, the Board briefly identified issues and related them to specific questions. The

first issue was that of congruency, related to the questions “What kind (size) of development, with what particular orientation and articulation would be congruent with the Sculpture Park?” Given the site and public comments regarding congruencies related to the site, and given the Board’s role and responsibilities, the question put to the Board was “Which of the guidelines would set those parameters or benchmarks by which a successful development at this site would be recognized?”

At the moment, however, the Board did not believe that they had been given enough information in the presentation or presentation materials to attempt to assign guidelines, either those to be found in the City of Seattle’s *Design Review: Guidelines for Downtown Developments* or/and the *Design Guidelines for the Belltown Urban Center Village*, which should be considered of highest priority to this project. The four members of the Board present at the meeting were agreed that the project should return for a second Early Design Guidance meeting. At that time the Board would like to be shown development alternatives that were more distinct in character and not just variations on a single theme as they believed those presented at this meeting had been. Given a fuller presentation, and one that responded to concerns expressed at the current meeting, the Board would be in a better position to impart guidance of specific pertinence for development of a successful project at this site. The proposed building would sit next to a world class sculptural park; for years to come it would be eminently visible from within the park. In this regard the basic challenge is the design of a structure that succeeds at some level in emulating the success of the design of the park.

Second Early Design Guidance Meeting: March 18, 2014

The architectural design team, as they had at the first EDG meeting, began with a contextual analysis of the site and an assessment of constraints and opportunities for the proposal. It was pointed out that the Weiss Manfredi designed Olympic Sculpture Garden directly to the south of the proposed development had been designed as an urban space and conceptually based upon a processional “z”-shaped path that directs the eye and the foot across the underlying orthogonal grid. These oppositional vectors lead through a series of resting stops and axial vantage points that are oriented to the water view and momentarily away from the garden itself.

Three conceptual massing schemes were presented, variations on those presented at the first EDG meeting. An “interlock” scheme showed two architectonic forms, a lower block rising from Elliott Avenue and a taller one arising from Western Avenue, conjoined around an architectural “slot” that would mediate the height transition of the lower and higher forms. A second scheme, referred to as the “Möbius concept, resulted from applying the folding logic referred to in the analysis of the Weiss-Manfredi sculpture garden design and showed a portion of the higher mass of the Western Avenue building block canted northwesterly across the Elliott Avenue mass. The third and preferred scheme was called the “folded veil” scheme. It referred to the zigzag folded surface of the sculpture garden and over-lay the basic stepped-form of the building’s mass, most strikingly along the south façade, with a folded material layering that was intended to create the effect of folded veils.

See the DPD, Design Review website for the graphics presented at the meeting:

<http://www.seattle.gov/dpd/aboutus/news/event/DesignReview/SearchPastReviews/default.aspx>

Public Comment

Approximately 40 members of the public attended the meeting, with twenty signing in to be noted as parties of record and fifteen signing in to make comments regarding the proposal. Some of the speakers had prepared extended remarks which were distributed to the members of the Board.

- The Director of the Seattle Art Museum (SAM) acknowledge the right of the property owner to develop the property at the sculpture park's northern edge, but noted the need for a balance between public and private interests; of particular concern to SAM were: the massing of the building, the setback from the property line, the potential interaction of choices in materials and any proposed balconies with the sculpture park experience; SAM would likewise be concerned that careful shadow studies be conducted, indicating any impacts shadows from the proposed development would have on the sculpture park.
- The "folded veil" scheme, although more intriguing than any schemes shown at the earlier meeting, was in reality a draped version of the earlier massing and still thought to be out of scale; the 15-foot setback was "disingenuous," in that the actual façade of the building would be closer to the sculpture park; the proposal did not respond to relevant Belltown design guidelines; the project should come back for another EDG meeting.
- Contrary to what had been implied by the developer, the "Friends of" the sculpture park and many others who were concerned with the proposed development had not been invited to the table for discussions of the proposal's impacts; the proposal needed to be more responsive to Downtown and Belltown guidelines and to give more obvious evidence of respecting its setting.
- As a gesture of respect of the context, the building should not exceed 125 feet as measured from Elliott Avenue and should maintain that height evenly to Western Avenue.
- The proposed structure was "grossly out of scale," too high, too large, and thought to impinge negatively on the atmosphere of the park and the waterfront.
- Would like to see a shorter structure there; the proposal does not respect view corridors;
- Alexandra building across Western Avenue —homeowners are not opposed to the construction of a building there, but believe this proposal is too big; a good project would enhance and not be in conflict with the neighborhood; this building does not fit in the neighborhood and is not in harmony with Belltown and Downtown guidelines.
- Although the façade facing the sculpture park was "not there yet," the proposal shows great promise and here is an opportunity for an exceptional building.
- The sculpture park was designed to be an "urban park" and what is here proposed as its northern edge would be a substantial improvement over what is already existing at the park's southern edge.
- The proposed building is on the way to becoming something significant and a real asset to the neighborhood and the city; the proposal is refined and delicate and the Belltown neighborhood is fortunate to have this addition to its built environment.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Downtown Development Design Guidelines & Belltown neighborhood-specific guidelines, as applicable, of highest priority for this project.

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

Site Planning & Massing

Responding to the Larger Context

- A-1 **Respond to the Physical Environment.** Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

Belltown-specific supplemental guidance:

- A. Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures such as the Space Needle;
- C. The topography of the neighborhood lends to its unique character. Design buildings to take advantage of this condition as an opportunity, rather than a constraint. Along the streets, single entry, blank facades are discouraged. Consider providing multiple entries and windows at street level on sloping streets.

- A-2 **Enhance the Skyline.** Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

Architectural Expression

Relating to the Neighborhood Context

- B-1 **Respond to the Neighborhood Context** – Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

Belltown-specific supplemental guidance:

Belltown has a rich architectural context, with a wide variety of architectural styles represented within the neighborhood. Contemporary methods of building can potentially create visual conflicts with older buildings due to differences in scale,

massing, and degrees of articulation. Sometimes new buildings add exteriors that mimic past architectural styles, creating a sense of unauthentic design. These guidelines emphasize the concept of historical continuity, or in other words, the relationship of structures over time. This relationship encourages diversity within a coherent whole, reinforcing the unique and evolving character of Belltown.

- B-2 Create a Transition in Bulk & Scale.** Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.

Belltown-specific supplemental guidance:

New high-rise and half- to full-block developments are juxtaposed with older and smaller scale buildings throughout the neighborhood. Many methods to reduce the apparent scale of new developments through contextually responsive design are identified in other guidelines (e.g., *B-1: Respond to the neighborhood context* and *B-3: Reinforce the positive urban form & architectural attributes of the immediate area*). The objective of this guideline is to discourage overly massive, bulky or unmodulated structures that are unsympathetic to the surrounding context.

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

The Streetscape

Creating the Pedestrian Environment

- C-2 Design Facades of Many Scales.** Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.
- C-3 Provide Active—Not Blank—Facades.** Buildings should not have large blank walls facing the street, especially near sidewalks.

The Board indicated this guideline had particular applicability to treatment of the building's north façade.

Public Amenities

Enhancing the Streetscape & Open Space

D-2 Enhance the Building with Landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Belltown-specific supplemental guidance:

Landscape enhancement of the site may include some of the approaches or features listed below, where appropriate:

- A. emphasize entries with special planting in conjunction with decorative paving and/or lighting;**
- B. use landscaping to make plazas and courtyards comfortable for human activity and social interaction;**
- C. distinctively landscape open areas created by building modulation, such as entry courtyards;**
- D. provide year-round greenery - drought tolerant species are encouraged to promote water conservation and reduce maintenance concerns; and**
- E. provide opportunities for installation of civic art in the landscape; designer/artist collaborations are encouraged**

D-3 Provide Elements that Define the Place. Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable “sense of place” associated with the building.

DEVELOPMENT STANDARD DEPARTURES

At the time of the Early Design Guidance meetings, the applicants indicated they were not seeking any departures from development standards.

BOARD DELIBERATIONS

The Board’s deliberations at the second Early Design Guidance Meeting were initially focused on two issues. The first issue was identified as the *volumetrics* of the proposed building. The second was the “appropriateness” of the various designs set forth, especially as these related to the sculpture park. Regarding the first issue, one of the Board members suggested that each of the schemes, essentially of the same stepped-height massing, presented an “awkward volume,” and resistance to the proposal as being too big was due to the perception of structure as it rose above Western Avenue. Pushing some of that volume off to the Elliott Avenue portion of the building and presenting a continuous roof top across the site, it was suggested, would go a long way toward alleviating the dis-ease with which the proposed structure was being perceived.

Such a solution would not be possible, however, given the Land Use Code, so the only alternative would be to remove height and volume from that portion of the structure that rose from the Western Avenue edge of the site. In response to that suggestion, the other four Board members were not so concerned either with the height or the “step” in the massing of the

building which was dictated by the interaction of site topography and Land Use Code. For them, the more important issue was the appropriateness of the face (or faces) the structure presented both to the sculpture park and within the broader physical context.

That second discussion centered on two elements. The first was the basic question about what the building wanted to be at that location. Should it be a sculptural building? or a backdrop building, one that would leave the sculpture to the park? The message from the Board and some of the public at the first EDG meeting seemed to have been that the building should aspire to be a sculptural thing in itself: “The proposed building would sit next to a world class sculptural park,” it was observed, “for years to come it would be eminently visible from within the park. In this regard the basic challenge is the design of a structure that succeeds at some level in emulating the success of the design of the park” (see above, notes from the first EDG meeting.)

Two of the Board members were of the opinion that the building should aspire to be a background building, one that did not compete with the sculpture or the sculpture park. That did not mean that it could not—or should not—be “elegant.” One of these Board members was more inclined than the other to think the folded-veil motif had some possibilities, but as presented it was “too heroic” and needed to “be quieted.”

The majority of the Board members, who had responded favorably to the folded-veil effect and thought it showed promise, suggested that the scheme had not been worked out to a totally convincing degree, nor should it have been at this EDG phase. Questions regarding the materiality of the veil and the veil’s ability to effectively function with balconies and mute their potential obtrusiveness, for instance, clearly needed to be worked out and effectively presented as the design developed. An area of agreement between all the Board members was the need to integrate the veil concept, if pursued, into all the facades of the building. The north façade in particular seemed not in step, less developed in comparison to the south facade, and in need of clearer integration into the overall building concept. The design team was reminded that this would be a building that would be clearly visible from all four sides and needed to be perceived as conceptually whole. .

BOARD DIRECTION

At the conclusion of the second EDG meeting, the Board recommended the project should proceed to further design development, taking into consideration the Board’s guidance noted above and the Guidelines cited as being of highest importance for the success of the project. After MUP application, the developed design would then be returned to the Board for their further scrutiny and recommendation.

INITIAL RECOMMENDATION MEETING: August 5, 2014

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

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the 3016538 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

DESIGN PRESENTATION

As presented, the preferred concept of the “Folded Veil” had been refined to take the concept design a step further while muting or “quieting” it and by integrating the “veil” motif into the overall composition of the building. As explained by the design team, the architecture shown was conceived as an assemblage of formal and material components that were managed to respond in an appropriate and unique manner to the demands of context, program and performance requirements.

PUBLIC COMMENT

The General Counsel to the Seattle Art Museum (SAM) spoke to concerns that remained for SAM regarding the proposal. These included: the extent to which light and glare emanating from the proposed structure might have impacts on the Olympic Sculpture Park (OSP) and its clientele. Further, no signage should be allowed on the building and strict regulations needed to be enacted and enforced regarding balcony use. SAM would like to review any building surface materials to be employed on the building.

Spokespersons for “Friends of the Olympic Sculpture Park” emphasized the importance of the outdoor sculpture exhibition space and the “iconic” status it had achieved in its relatively brief existence. While the applicants for the proposed building had spoken of “quieting” the proposed building, “friends” thought it untamed; it still “roared.” The proposed building remained “massive” in size and in need of substantially more mitigation to curtail its height, bulk and scale. The design, they maintained, remained insensitive to its context.

The height differential when compared to other buildings in the area, according to other members of the public, was “excessive.” As designed, it still failed to create a clear transition to the height, bulk and scale of nearby building development. For some, the transparency of the balconies and views into the units themselves remained of concern.

DEVELOPMENT STANDARD DEPARTURES

In continuity with the two Early Design Guidance meetings, there were no departures identified or requested by the applicants.

BOARD DELIERATIONS

As had been stated at the second Early Design Guidance meeting, the Board members were agreed that there was no fundamental problem with a building being at this location. Nor was there a problem with the step in the building as it was sited on the hillside, a subject of some discussion at the second EDG meeting. As noted by the Chair, this was an issue the Board had

discussed and had moved beyond. As noted by one of the Board members, the two-stepped height, combined with the remarkable thinness of the overall structure, helped it to appear even less bulky than otherwise. The real challenge for the final design of the building was the treatment of the various faces it presented to its neighbors, which included both the Olympic Sculpture Park and the commercial and residential buildings that constituted its immediate surrounding environment.

In the Board's view, the design of the proposed building had progressed positively in its design since its earlier presentations before the Board. It had been responsive to the Design Guidelines singled out to be of highest priority for the project and showed conformance to the guidance given by the Board. In the Board's view, the building had been definitely been "quieted." In terms of articulated concept, the proposal has achieved a better integration with itself. All four facades were generally "clean and elegant." The north, east and west facades were more evidently pieces of an integrated architectural idea and of an overarching material treatment that was mostly complete and whole. Further, it was the Board's considered opinion that the proposed building worked positively in its location and within the neighborhood context. It did so without being stylistically imitative; it was of its own time.

The challenge that remained, the Board noted, consisted of a relatively few areas of treatment and refinement. First was the roof or cap on the east, taller portion of the residential tower. It seemed overly large and prominent. The Board members were agreed that this element should be pushed back from the east and south edges of the building, even should this require a reduction in the overall size of the amenity areas occupying the rooftop. A second area of refinement potentially involved the selection and configuration of surface materials on the building's south façade. The applicants, the Board agreed, needed to address more formally any potential impacts from light and glare and the possible effects of excessive reflectiveness in the final choice of materials. During the course of the meeting the applicant had expressed a willingness to work with the Seattle Art Museum in the selection of materials, a gesture welcomed by SAM. The Board strongly endorsed that move.

Finally, the applicants were urged, when examining materials and treatments for the south façade, to examine an even more thorough visual integration of the balconies into the folded veil motif so as to tame the strong, countermanding pull toward horizontality they embodied—in order to avoid, as one of the Board members put it, "the appearance of a resort hotel."

BOARD DIRECTION

The Board was split two-two whether the refinements noted above should be accomplished by the applicants working with the DPD Land Use Planner (and SAM), or whether the modifications should be returned to the Board for final approval. The final determination was that the applicants should return for a second, focused Design Review Recommendation meeting, at which time the Board could review and recommend approval of the requested modifications to the design noted above, under *Board Deliberations*.

FINAL RECOMMENDATION MEETING: September 16, 2014

PRESENTATION

The Land Use Planner reviewed the procedures of the meeting with respect to the order of design presentation, clarifying questions, public comment, and board deliberations and stated that the purview of the board is limited to design issues and that any SEPA issues would be dealt with by a separate review process and, further, that the public should feel free to contact him directly regarding any concerns regarding environmental impacts.

The Land Use Attorney representing the applicant recalled that the stated objective of the Design Review Board in calling for another Recommendation Meeting was a focused look at the reflectivity of proposed materials, refinements to the “cap” of the building, and such refinements to the folded veil motif as to further integrate the balconies into the overall composition of the south-facing façade. The objective of the meeting was to obtain a recommendation for the project design, noting that the design had been developed in accordance with the guidance of the board. He added that the applicant has continued to engage in productive and meaningful dialogue with SAM to refine the details of the proposed development to both parties’ satisfaction. As this was the fourth meeting with the board (following two early design guidance meetings and a prior recommendation meeting), the Board was reminded that per the Board’s guidance the evening’s presentation would be focused on the issues established by the Board at the prior recommendation meeting.

The first part of the design team’s presentation demonstrated the reduction in the overall height and bulk at the top of the building, accomplished by stepping the building back and lowering the roof while eliminating the south facing overhang.

This was followed by a portion of the presentation that focused on the details of the ‘veil,’ including its material qualities, dimensional characteristics, the overall topology and configuration of the ‘folded’ surface, the details of its attachment, as well as the performance of the material. This was followed up by a discussion of the overall project with respect to the potential for glare.

The architect described how the design team was thoroughly investigating the potential for glare impacts to the park and how the project had been designed to reduce or minimize potential impacts through consultation with experts and empirical testing. He referenced as a baseline for the discussion the prior SEPA glare study which had resulted in a Determination of Non-Significance (DNS). The architect noted that many aspects of the previous study were still applicable to the current project, namely the overall height, bulk, and scale of the project, the building’s orientation to solar south, the relative percentage of glazing of the building enclosure and balconies, and the climate and urban context which obviously included the park, including its public spaces and plantings.

The architect stated that the design team had continued to examine the potential for glare impacts through an exceptional and rigorous process of empirical analysis with the region’s leading experts in building materials and daylight to evaluate the potential impacts of the project based on elements that had changed since the earlier DNS, namely the configuration and materiality of the balcony guardrail, also known as the ‘veil’.

To better illustrate the diagrams from the earlier SEPA study, the architect showed a photograph of the park taken from the project site looking south during an afternoon summer event with a large gathering of people in the park to provide a “real world” example of how glare impacts to the park would essentially be physically impossible under certain relevant conditions.

The architect observed that the shadows in the photograph point in the opposite direction of the sun’s light rays and that by tracing the path of these rays it would become clear that it would be physically impossible at this particular time of day for the incident ray of light to reflect off the building and re-enter the park. He further observed that during the middle part of the day when the sun is highest in the sky, the balconies would shade the south façade and incident rays of light, then at their steepest angle, would either be ‘trapped’ by the balconies or ‘bounced’ into unoccupied areas of the park.

The architect then reviewed four additional recent glare studies that have further expanded the earlier SEPA study and have focused on the elements of this design that have changed. First, the current design had been reviewed by Engineering Associates (EA) who specialize in glare analysis. Through an analysis conforming to DPD’s approved methodology, and dated May 14, 2014, EA determined that no significant adverse impacts were anticipated. In fact, the study found that there may in fact be a net improvement in the immediate vicinity due to the mitigation of potential glare from the existing Airborne Express building provided by the proposed development.

Second, the current design had been reviewed by Chris Meek, director of the Integrated Design Lab and Research Associate Professor at the University of Washington, regarded as an expert in the field of architectural materials and the effects of daylight and sunlight in the built environment. The architect referred to the letter, provided in the Design Review Board Recommendation meeting submittal package in which Professor Meek reviewed the details of the proposed project and evaluated its potential to mitigate unwanted glare. The architect noted that Professor Meek compared the proposal to recent examples of excessive glare, including the Museum Tower adjacent to the Nasher Sculpture Park in Dallas and the Walkie Talkie building in London. Professor Meek concluded that the proposed design includes none of the elements that contribute to the problematic glare of these precedents. In fact, Professor Meek observed that the proposed balconies provide substantial shading of the south façade.

Third, the design team provided material samples to Professor Meek to perform laboratory tests in a controlled environment to simulate the effects of sunlight on the materials and the potential for glare in both overcast and direct sunlight conditions. These laboratory tests provide reliable and quantifiable performance characteristics and an empirical basis for performance comparisons between viable alternative materials. As was indicated in the submittal packet, the tests demonstrated that the proposed materials perform very favorably and have a high level of light transmittance, which is a significant factor in eliminating or reducing the potential for glare.

Fourth, the design team continues to work with the Seattle Art Museum (SAM) to perform on-site observations of an accurate mockup of the proposed material. Working with the mockup, SAM representatives, the design team, and Professor Meek will have the opportunity to assess the performance of the material in ‘real world’ conditions.

PUBLIC COMMENT

During the public comment period a number of individuals, including some who live near the sculpture park expressed concerns that had been previously expressed to the Board in the three prior design review meetings. The proposed structure was again characterized as “towering.” One speaker reminded the Board of the proposal’s controversial history and “significant context” and lamented that the City had not earlier rezoned the site, a rezone that apparently should not only have restricted height but also the uses any structure erected there might house.

A member of the public stated her concern that public comments (and hers in particular) had not been reviewed by the board. The Land Use Planner attempted to assure her that her comments and correspondence had been received and reviewed by DPD and, when relevant to issues of design, had been forwarded to the board. The board unanimously assured the concerned individual that they had been provided with all submitted public comments including hers and that they had thoroughly been reviewed and that the Board members were familiar with the comments.

One individual who was introduced as representing “The Friends of the Olympic Sculpture Park” presented the Board with a primer on architectural design vocabulary and cited excerpts of certain design guidelines. He opined that the Design Review Board’s process lacked rigor and that the subject design remained unresponsive to priority design guidelines. He urged the board to again re-address certain specific design guidelines in their deliberations.

BOARD DELIBERATIONS

Following the public comment period, the board deliberated on the proposed design, addressing how the design had responded to guidance from the three preceding meetings and specifically addressing the concerns expressed during the public comment period. In doing so, the Board again re-visited the priority design guidelines established by the Board.

The chair noted that the board had previously considered and addressed the areas of the public’s stated concerns but offered to review the board’s prior findings and guidance on these issues. The Board reviewed the issues of context and of height, bulk, and scale, and reiterated that these aspects of the project had been duly considered and addressed through the process with careful consideration of the public comment. Board members agreed that during the two EDG meetings they had carefully reviewed the relevant design guidelines and thoughtfully considered the special context provided by the Olympic Sculpture Park.

Specifically, the Board re-stated the position that they had previously articulated with respect to context, noting that to respond ‘in kind’ to the immediate architectural context would be “a disaster,” noting the plethora of banal and ponderous buildings that already front the park to the east and south. As far as responding to the Olympic Sculpture Park context, the Board noted that at the original EDG meeting the presentation had included a southern façade that was considered too “busy,” and that the Board had asked the applicant to “quiet down” the southern façade. This was accomplished, and the final design presented at this recommendation meeting was excellent. The simplified folds on the southern façade modulate the volume of the building and create a façade that succeeds in being respectful to the Olympic Sculpture Park.

Further, the Board noted that the proposed design is “extraordinarily slender,” is consistent with the height profile of the buildings to the south of the park, has a very small footprint, is setback substantially from its park-facing property line and is “exceptional” in the best sense of the word, by setting a standard of elegance and architectural quality not currently found in other buildings in the immediate area.

The chair noted that the deliberations of the Board in a second recommendation meeting would typically not revisit issues of design guidelines as the project had already affirmatively been deemed by the Board to have adequately responded to their guidance regarding those design guidelines the Board had deemed of highest priority in the preceding three meetings, including two early design guidance meetings

However, in light of the attending public’s admonishment to respond directly to design guidelines A-1, and B-1, 2, 3, and 4 , the Board reiterated views expressed earlier and responded as follows.

A-1 Respond to the physical environment. The Board remarked that the project responded appropriately to the physical environment, one that included the neighboring buildings, as well as the park to the south.

A-2 Enhance the skyline. The Board remarked that the project succeeded in providing an elegant and innovative backdrop to the park while achieving an architectural quietness.

B-1 Respond to the neighborhood context. The Board re-stated that the neighboring architectural context was predominantly banal and lacking in architectural character; the relevant context for the project is the park. The Board noted the substantial setbacks proposed and that the proposed design was exceptionally small within its context, fine of its kind, and sophisticated in its materials and construction.

B-2 Create transition in bulk and scale. The Board noted that the guideline suggested that the Board look for methods to reduce the “apparent scale” of the building. The Board observed that the proposed design provided transitions in bulk and scale through various means: setbacks, the step down in height (which they believed actually reduced the perception of the structure’s bulk), the successful “layering” of the south façade, the further setting back of the upper level, and the specific articulation of the balconies and veil. Taken together, all of these measures were effective means of reducing the apparent scale of the building.

B-3 Reinforce positive urban form. The Board stated that they had not in fact identified this as a priority design guideline, but in any case felt that the project fulfilled the intent of this guideline by the nature of its design response.

B-4 Design a well-proportioned, unified building. The Board concurred that the design proposal was well proportioned and unified. Modifications achieved under their guidance to the northern façade, the eastern façade and the roof have helped unify the project design on all four facades as they had directed.

The Board stated that they considered the design guidelines to have been met and that they had seriously considered approving the project in the previous meeting but had elected to review the

project an additional time to ensure the satisfactory resolution of certain final details, namely the reduction in mass at the top and the details of the “veil.”

As to the revised building top, the board collectively felt that the response shown at this recommendation meeting was very successful. In eliminating the architectural canopy at the roof and pulling the rooftop structure away from the Olympic Sculpture Park, the design team had responded well, accurately and satisfactorily to the Board’s previous comments.

On the veil issue, the Board felt that the design team had responded well and thoroughly in describing the details of the veil system. The slight cant of the joints between the glass panels of the veils specifically was considered a sophisticated touch, one that reinforced the modulation of the southern façade.

The Board asked that DPD continue to carefully review, in concert with the design team and SAM, any potential issues related to glare emanating from the building. Glare studies that looked at the building performance throughout the year and throughout the day should be continued. Specific performance standards for the south-façade glazing should be established to ensure that the final materials selection performed as expected (see below, under *Conditions—Design Review*).

Departures from Development Standards:

No departures from development standards were requested by the applicants.

The five Board members present discussed the design that had been developed over the course of the project and communicated their unanimous view that the design had progressed in accordance with their guidance and had appropriately responded to the priority design guidelines that they had identified. They noted that the design was an elegant and refined work of architecture and one appropriate to its specific place. The Board unanimously recommended approved the project to the Director.

ANALYSIS AND DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines*. The Director **APPROVES** the subject design recommended for approval by the Board, as well as the condition recommended by the Board which has been incorporated into the plan sets.

This decision is based on the Design Review Board’s final recommendations, on the plans, drawings and other materials presented at the public meeting on September 16, 2014, together with any modifications to the plans submitted to the Department in response to the Board’s comments, conditions, and directives given at that meeting. The design, siting, and architectural details of the project are expected to remain substantially as presented at the recommendation meeting except for those alterations made in response to the recommendations of the Board or in response to correction notices and incorporated into the plan sets subsequently submitted to DPD.

The Director finds no conflicts with SEPA requirements nor with state or federal laws, and has reviewed both the *Guidelines for Downtown Development* and *Belltown Urban Center Village Design Review Guidelines* and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in recommending the approval of this design. The proposed design is approved subject to the conditions listed below.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

Environmental review resulting in a threshold determination is required of this project pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The proposal would be categorically exempt from SEPA review, except that a portion of the proposal site is mapped as a landslide-prone environmentally critical area. Pursuant to WAC 197-11-908 and 197-11-305(1)(a), proposals ...located within mapped landslide-prone areas...are not categorically exempt from review.

The scope of environmental review of proposals within the critical area, however, is limited (see SMC 25.05.908.B) to: “1. Documenting whether the proposal is consistent with the City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09” and “2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in the City of Seattle Critical Area Policies or the requirements of SMC Chapter 25.09 Regulations for Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other r applicable environmental laws.”

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

This analysis relies on the *Environmental (SEPA) Checklist* submitted by the applicant and dated May 14, 2014 which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per

SMC 25.05.794. The following is an analysis of construction-related air quality, noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

Earth

Studies of the site's groundwater and soil conditions, dated August 4, 2014, *Environmental Site Assessment Report*, and a *Geotechnical Engineering Report*, dated August 6, 2014, both prepared by Kleinfelder, Inc., were submitted to the Department at the time of Master Use Permit application intake. According to the studies, soil conditions at the site are suitable for support of the proposed development and there are no geotechnical considerations that would preclude development of the site as planned. Building structural design, shoring design and methods, and construction sequencing have not been determined, but these elements will all be conducted within the tutelage and review set forth in the reports and by the consulting engineers and will be subject to review of the Department's structural and geotechnical experts.

A Phase I Environmental Site Assessment (ESA) had been performed by Kleinfelder, Inc. at 3031 Western Avenue in 2007. A subsequent, Phase II ESA was undertaken by Kleinfelder, Inc. on June 23 and June 24, 2014 at the site. The proposal site was occupied by a portion of an asphalt plant from 1905 to sometime before the construction of the building on site, in 1939. The site is also located adjacent to the Upper Yard portion of the former Unocal plant, currently owned by the Seattle Art Museum and developed as the museum's Olympic Sculpture Park in 2007. The site was used as a bulk fuel distribution center between 1912 and 1975. From July 1989 through March 1992, and in September 1997, petroleum-contaminated soil (PCS) was excavated from the Unocal Upper Yard, treated onsite and disposed of offsite.

Following both onsite assessment and laboratory analysis of the soil samples from the three monitoring wells drilled on site as part of the June, 2014 Environmental Site Assessment conducted on site in June, 2014, it would appear that the horizontal extent of any impacted soils would be limited to the southeast portion of the site. Following the Kleinfelder, Inc. recommendations, the applicant will prepare a Contaminated Media Management Plan (CMMP) to provide guidance for health and safety of excavation/construction workers and for the management and handling of any contaminated soils encountered or disturbed on site. Following demolition of the existing building and basement, any impacted soil encountered in the southeastern portion of the site, or elsewhere, will be removed and disposed of appropriately. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to leave the site inadvertently.

It is possible that contaminated soils exist on the site and in the site vicinity and excavation could reveal contaminated water and soils within the subject site. The excavation will be monitored by an environmental consultant and if contaminated soils are identified the State of Washington Department of Ecology, Northwest Regional Office, will be notified immediately (Maura S. O'Brien--mobr461@ecy.wa.gov, telephone 415-649-7249) and a hazardous materials remediation plan put in effect. Remediation work will be professionally monitored throughout demolition and excavation. Details of procedures to be followed by the contractor shall be enumerated in the Contaminated Media Management Plans. Site construction activities will comply with all applicable State regulations regarding the handling and disposal of contaminated water and soils that may be encountered on site. No further conditioning is necessary.

Air Quality

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

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. No further SEPA conditioning of air quality impacts is necessary.

Construction Impacts/ Noise

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

Pedestrian Circulation

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

Historic and Cultural Preservation

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

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

Construction-Related Traffic and Parking

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

Truck trips will be generated during excavation, shoring, and foundation construction. A truck route for site excavation must be authorized by the City prior to issuance of any permits for demolition, grading or construction. No further conditioning through SEPA is required.

Long-term Impacts

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

Energy

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

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Environmental Health

Operational trips, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. An analysis of potential greenhouse gas emissions estimates that the project may result in lifespan greenhouse gas emissions of approximately 115,569 MTCO₂e². The carbon calculator utilized in this estimate does not fully factor in site location or the fact that the power will be obtained from Seattle City Light which is a carbon-neutral provider. The location of this project within an Urban Center, adjacent to transit and high-density housing, will enable transit use and shorter commuting times, potentially resulting in fewer vehicle miles traveled over the life of the project. While these impacts are adverse, they are not expected to be significant.

Height, Bulk and Scale

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

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

Traffic and Parking

The scope of the Transportation Impact Analysis (TIA) prepared by the Transpo Group for the proposal and dated December 2014, was based on discussion and determined by DPD to establish the study area, and the key traffic issues. The Transpo Group report evaluates net additional impacts of the proposed project. Based on the anticipated travel patterns of the project traffic, seven study intersections were identified in the formal impact analysis. The findings of that analysis are as follows:

- The project with the 100 residential dwelling units with potential occupancy of 184 persons would generate 31 new off-site trips during the weekday AM peak hour, 49 new off-site trips during the weekday PM peak hour, and approximately 422 new weekday daily trips.
- All six of the study intersections currently operate at Level of Service (LOS) C or better during weekday AM hours. Five of the six study intersections currently operate at LOS C or better during PM peak hours. Background traffic growth and traffic generated by pipeline projects would cause operations to degrade from LOS C to LOS D during the weekday PM peak hour at the Western Avenue/Bay Street intersection. All other intersections are anticipated to operate at the same levels of service in 2017 as in 2014.
- The proposed project traffic would increase average delays at each study intersection. However, the increases in average delays at study would be less than 5 seconds which falls in the range of day-to-day fluctuations. Thus, the delay time being negligible, all study intersections would continue to operate at their current levels of service.
- The Concurrency analysis indicates adequate capacity exists to serve the increase in travel demand resulting for the proposed project, and meets the City's concurrency standards.
- Specific off-site mitigation measures are not recommended, nor required, to reduce/offset the potential site-generated traffic impacts. The site is well-served by public transit. Fifteen King County Metro bus routes serve stops within a two to three block vicinity of the project site.

Transportation Concurrency

In order to comply with the requirements of The Washington State Growth Management Act (GMA), the City of Seattle has implemented a Transportation Concurrency System, as described in Director's Rule 4-99 and the Land Use and Zoning Code. It is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The Transpo Group study of December 2014 selected four screenlines based on their locations relative to the project site and project trip distribution. Each of the evaluated screenlines would remain below City of Seattle LOS standards. The proposed project would therefore meet the City's transportation concurrency requirements.

Parking

- Vehicular access to parking within the proposed building would be from the existing access driveway off Western Avenue.
- City's zoning regulations for the Downtown Zoning has no requirement for on-site parking.
- The proposed building includes a total of 75 parking spaces, which would be allocated as a tenancy amenity and "marketing" provision.
- The Parking Analysis included in the December 2014 Transpo Group Transportation Impact Analysis for the project was estimated on data provided in both in both ITE *Parking Generation (4th edition)* and local vehicle ownership data derived from US Census data. Anticipated peak tenant parking demand would be 76 vehicles. Adding a visitor parking rate of 0.15 vehicles per unit, a total parking demand of 90 vehicles is anticipated. While the proposal could acceptably serve the estimated peak resident parking, visitors to the site would likely be required to utilize on-street parking and nearby parking garages. On-street parking data presented in the Draft Environmental Impact Statement (Draft EIS) for the proposed Seattle NBA Arena alternatives (August 15, 2013) was reviewed in the Transportation Impact Analysis and indicated adequate on-street parking spaces in excess of the spillover parking demand. No further mitigation of parking impacts is necessary.

Public View Protection

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

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

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

The proposed building design and materials would, as noted under the Design Review analysis portion of this decision, create an appealing structure that fits within the Downtown urban fabric. The proposal would include a substantial area of landscaping where native plants, including a

mix of deciduous and evergreen trees and shrubs, with groundcovers, all from the Pacific Northwest, would be used to continue the landscape theme established by the Olympic Sculpture Garden. Integrated within this landscape, a staircase would provide views of Elliott Bay waterfront and connect public plazas on Western Avenue and Elliott Avenue.

Shadows on Open Spaces

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

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

Light and Glare

A solar-glare analysis was presented by the applicants at the Design Review Final Recommendation Meeting on September 16, 2014. The current design has been reviewed by Engineering Associates (EA) who specialize in glare analysis. Through an analysis conforming to DPD’s approved methodology, and dated May 14, 2014, EA determined that no significant adverse impacts were anticipated. In fact, the study found that there may in fact be a net improvement in the immediate vicinity due to the mitigation of potential glare from the existing Airborne Express building provided by the proposed development.

The current design had been reviewed by Chris Meek, director of the Integrated Design Lab and Research Associate Professor at the University of Washington, regarded as an expert in the field of architectural materials and the effects of daylight and sunlight in the built environment. The architect referred to the letter, provided in the Design Review Board Recommendation meeting submittal package in which Professor Meek reviewed the details of the proposed project and evaluated its potential to mitigate unwanted glare. The architect noted that Professor Meek compared the proposal to recent examples of excessive glare, including the Museum Tower adjacent to the Nasher Sculpture Park in Dallas and the Walkie Talkie building in London. Professor Meek concluded that the proposed design includes none of the elements that contribute to the problematic glare of these precedents. Professor Meek observed that the proposed balconies provide substantial shading of the south façade.

At the Final Design Review Recommendation Meeting, the design team reported that they had provided material samples to Professor Meek to perform laboratory tests in a controlled environment to simulate the effects of sunlight on the materials and the potential for glare in both overcast and direct sunlight conditions. These laboratory tests provided reliable and quantifiable

performance characteristics and an empirical basis for performance comparisons between viable alternative materials. As was indicated in the submittal packet, the tests demonstrated that the proposed materials perform very favorably and have a high level of light transmittance, which is a significant factor in eliminating or reducing the potential for glare.

The design team continues to work with the Department and Seattle Art Museum (SAM) to perform on-site observations of an accurate mockup of the proposed material. Working with the mockup, SAM representatives, the design team, and Professor Meek will have the opportunity to assess the performance of the material in 'real world' conditions. These mitigation measures are consistent with the provisions of *Light and Glare Study, Phase I* and *Light and Glare Study, Phase II* (City of Seattle, Department of Community Development, 1979 and 1980).

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

Public Services and Utilities

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

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

Existing and Projected Land Use

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

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

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

Summary

In conclusion, certain adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

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

Prior to Issuance of Demolition, Grading, or Building Permits

1. Submit to DPD for approval by the project's Land Use Planner and the Department's Noise Control Program Specialists, a Construction/Noise Impact Mitigation Plan, one that details, among other proposed construction activities, schedules for deliveries and any construction activities outside of normal construction hours; a plan to provide for construction-worker parking; a detailed plan for maintaining at all times a safe and predictable pedestrian pathways along the west side of Western Avenue and the east side of Elliott Avenue.
2. Submit to DPD for approval by the project's Land Use Planner, a plan for the professional, on-site monitoring throughout demolition and excavation activities by an environmental consultant for any contaminated soils; if any contaminated soils are identified, the State of Washington Department of Ecology, Northwest Regional Office,

will be notified immediately (Maura S. O'Brien--mobr461@ecy.wa.gov, telephone 415-649-7249) and a hazardous materials remediation plan put in effect. Remediation work will be professionally monitored throughout demolition and excavation and detailed procedures to be followed by the contractor shall be enumerated in a Contaminated Media Management Plan.

During Construction

3. The sidewalks adjacent the project site and running along the Western Avenue and the Elliott Avenue right-of-ways shall be kept open and made safely passable throughout the construction period. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible because necessary for demolition, shoring, structural modification or other purposes, DPD shall be notified by the developer or general contractor at least three days prior to the planned temporary closure and a plan shall be presented and approved by DPD prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.
4. If archaeological resources are inadvertently encountered during construction, work occurring in that portion of the site where the potential archaeological resources are found would be stopped, the City of Seattle land use planner assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation would be contacted, and regulations pertaining to the discovery and excavation of archaeological resources would be adhered to, including Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCE and Chapter 5.48 WAC.
5. Construction worker parking shall utilize the on-site parking garage within the new structure when it becomes available.
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, and 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.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of any Certificate of Occupancy

7. The applicant shall continue to work with the DPD Land Use Planner to ensure that the Seattle Art Museum's concerns regarding any potential glare impacts due to the selection and disposition of surface materials are reasonably addressed.

8. The applicant shall construct a building with siting, construction materials, and architectural details, and install landscaping, both hardscape and planting materials, substantially the same as presented at the September April 14, 2009 Design Review Board meeting and as contained in the approved MUP 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).

Signature: _____ (signature on file) _____ Date: January 12, 2015
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.