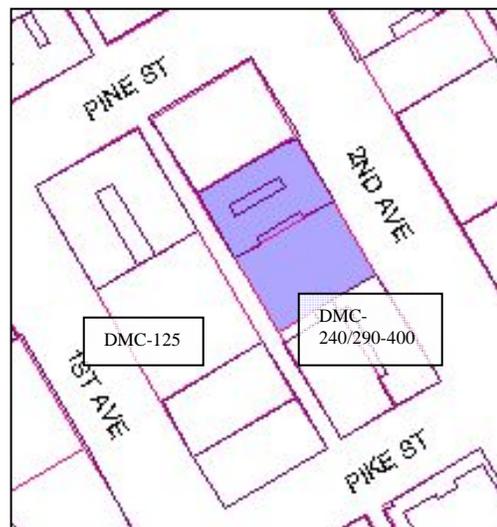


height of the tower will be 400 feet, with additional 40 feet in height provided for building services. The project includes demolition of an existing three story building located on a portion of the site as well as elimination of a surface parking lot. Grading of approximately 25,000 cubic feet will also be required for the below grade parking.

This site was originally designated by the Seattle Popular Monorail Authority (SMP) for the location of a primary stop for the Green Line route as part of the 2nd Avenue alignment for this route. The original project designs included a station on the north portion of the site, with the residential tower to be built over and adjacent to the station. As the SMP dissolved in November 2005, this concept has been abandoned. The initial reviews for the project, as reflected in the Design Review portion of the analysis in this decision, included designs that incorporated the station as part of the basic concepts for the site.

Site Description

As reflected in the attached graphic, the site is bounded by 2nd Avenue to the east and News Lane alley to the west. The site is located midblock on 2nd Avenue. To the north of the site is the Doyle Building, a City of Seattle Landmark. To the south of the site is an eight story building, the Eitel Building and the Yancy-Downworth building, a two-story commercial building. The site was recently rezoned to DMC 240/290-400. This zone allows for buildings up to 240 feet outright, with a maximum of 400 feet allowed for residential structures meeting certain development standards and provisions for development of affordable housing.



The surrounding area includes a variety of uses and structures, including high-rise structures for residences and office uses, institutions, historic structures and other uses characteristic of those found in the Central Business District. The site is also one half-block to the east from Pike Place Market. The properties to the north and south of the project site are also zoned DMC240/290-400 with properties across the alley zoned DMC125.

ANALYSIS - DESIGN REVIEW

The following is a summary of each early design guidance meeting and design review recommendation meeting on this project.

A. Early Design Guidance

1. October 5, 2004 Early Design Guidance meeting:

Catherine Benotto and Dan Foltz of Weber + Thompson presented the proposal. William Justen, the developer's representative, provided introductory comments. An overall site review was provided through the presentation of graphics, photographs and a model showing the allowed

zoning envelope and massing in relationship to the surrounding built environment. The presentation materials highlighted included three separate concepts for the tower, including massing, balconies and rooftop alternatives. An extensive review of the site and the surrounding area was also provided, including historical perspectives on the surrounding area and the relationship of the proposal to the proposed Monorail station and its elevated guide ways. No specifics concerning materials were provided due to the early stage of design development and the overall purpose of this meeting. The presentation also included information about the proposed access to the site for vehicles. Jeff Schramm of Ten NW presented data on automobile and pedestrian usage of surrounding streets on peak hours to support the request for the curbcut on 2nd Avenue.

Departures from Development Standards:

No departures from development standards were formally requested at this meeting. The applicant did request Design Review Board support for a requested curbcut and access from 2nd Avenue, a Principal Transit Street. The applicant's have requested access to the vehicular garage from 2nd with loading dock and service access to occur from the 16 foot alley that abuts the site on the west property line. Initial guidance from Seattle Department of Transportation and Department of Planning and Development had indicated lack of support for any vehicular access from 2nd Avenue.

Priorities:

After visiting the site, considering the analysis of the site and context provided by the applicants, and hearing public comment, the Design Review Board members prioritized the following design guidelines found in the City of Seattle's "*Design Review Guidelines for Downtown Development, April, 1999*":

- A-1 Respond to the physical environment.
- A-2 Enhance the skyline.
- B-1 Respond to the neighborhood context.
- B-2 Create a transition in bulk & scale.
- B-3 Reinforce the positive urban form & architectural attributes of the immediate area.
- B-4 Design a well-proportioned & unified building.
- C-1 Promote pedestrian interaction.
- C-2 Design facades of many scales.
- C-3 Provide active—not blank—facades.
- C-4 Reinforce building entries.
- C-6 Develop the alley facade.
- E-1 Minimize curb cut impacts.

2. December 14, 2004 – 2nd EDG meeting:

Applicant Presentation:

The applicants returned on December 14, 2004 to show development of the project since their EDG meeting. Dan Foltz of Weber + Thompson again led the presentation with introductory comments provided by William Justen, the developer's representative. An overview of the issues related to automobile access to and from the development was provided by Jeff Schramm, the developer's transportation consultant. As reflected in the guidance from the October 5, 2004 early design guidance meeting, the applicant was directed to provide more detailed information on the impacts associated with their preferred access alternative, which assumed ingress and egress to the site from 2nd Ave, along with other access alternatives, as directed by the Board. These alternatives included ingress/egress from the alley only (as provided for in SMC 23.49.018), ingress/egress from 2nd Ave only, and the applicant's preferred alternative, ingress from the alley and egress onto 2nd Ave. The applicant's indicated that their preferred alternative was developed following studies of the site, including existing transit operations along 2nd Ave, impacts to the alley from vehicular trips, potential conflicts at the alley terminus on both Pike and Pine and the future operation of the Monorail station.

Priorities:

In addition to information on access, additional studies of the tower and ground floor uses were presented in the form of graphics, presentation materials and a model with alternative tower configuration and massing studies. As with the previous meeting, the Design Review Board reiterated the following design guidelines found in the City of Seattle's "*Design Review Guidelines for Downtown Development, April, 1999*".

- A-1 Respond to the physical environment.
- A-2 Enhance the skyline.
- B-4 Design a well-proportioned & unified building.
- C-2 Design facades of many scales.
- C-4 Reinforce building entries.
- C-6 Develop the alley facade.
- E-1 Minimize curb cut impacts.

Departures from Development Standards:

The following departures from development standards were identified:

Code Section	Requirement	Provided	Rationale
SMC 23.49.025	75% of Street Frontage devoted to street level uses.	Not defined – will be determined following determination of access.	Monorail station is not a recognized street level use in the code; preferred access alternative based on traffic distribution necessitates departure.

The Board reserved formal comment on the request.

3. April 12, 2005 – 3rd EDG meeting:

The applicants returned on April 12, 2005 to show development of the project since their EDG meeting. Dan Foltz of Weber + Thompson led the presentation with William Justen, the developer’s representative, providing introductory comments. The presentation included an overview of responses to the guidance provided in previous design review meetings, including:

- Development of setbacks from adjacent historic structures.
- Development of common design themes between the building and the proposed monorail station.
- Further development of the preferred tower alternative.
- Application of architectural features including materials and fenestration.
- Treatment of the driveway/concourse feature.
- Development of the alley façade.

The applicants provided additional information on the preferred tower option, including massing studies showing the introduction of a curved wall along the west and east façades, an angled wall on the south facade, and a similarly angled north wall with the addition of a notched corner. Articulation of the mass included a portion of the east façade continued vertically from the top of the building down to the street level to accentuate the building entrance and provide a break in the tower massing. Detailing of the base was achieved by massing the building at similar height to adjacent properties as well as in the continuation of horizontal lines and complementary fenestration patterns from adjacent buildings to the north and south. Base elevations were also provided to show detailing for the lobby entry, concourse/garage features, the alley facade and relationships to surrounding buildings.

Access to the site was shown, based on agreements with DPD and SDOT, to include an egress point onto 2ndAve and a separate ingress and egress from the alley. Details were provided to address both Board and City staff concerns about the impacts that the garage opening would have on the pedestrian environment and how the design of the space would complement the

building. Details of the 23 foot high concourse included 24 hours access, the use of a landscape trellis system, extensive lighting and a water feature.

Priorities:

The Board did not provide any additional guidance by prioritizing new guidelines, again reiterating the importance of the following guidelines from the City of Seattle's "*Design Review Guidelines for Downtown Development, April, 1999*", which were prioritized in earlier meetings:

- B-1 Respond to the neighborhood context.
- B-4 Design a well-proportioned & unified building.
- C-1 Promote pedestrian interaction.
- D-6 Design for personal safety & security.
- E-1 Minimize curb cut impacts.
- E-2 Integrate parking facilities.

Departure Request:

The Board indicated its general support for the Street Level Use Departure (SMC 23.49.025) if the proposed monorail station is built. If the monorail station is not built and the area devoted to this use reverted to this site for an addition to the building, the departure request would not be supported. The Board did also indicate that the development should include additional retail to improve on the character of the street.

B. Recommendation Meetings

1. December 12, 2005 – 1st Recommendation Meeting

Following submittal of the Master Use Permit, the applicants returned on December 12, 2005 to show development of the project since the April 12, 2005 meeting. Dan Foltz of Weber + Thompson led the presentation with William Justen, the developer's representative, providing introductory comments. The presentation began with an overview of guidance provided by the Board in previous design review meetings, including:

- Detailed elevations for tower and base.
- Studies and details for the Concourse/garage elevations.
- Details of the first two stories of the base along 2nd Ave.
- Lighting on the building for aesthetic and safety concerns.
- Details of the rooftop form and materials.
- Details highlighting transitions between forms and materials.
- An overview of materials and colors.
- A complete list of departures.

Since the previous meeting, substantial changes occurred at the site causing revisions to the proposal. Due to the dissolution of the Seattle Popular Monorail Authority (SMP), the portion of the site dedicated to a proposed monorail station was incorporated within this development. Accordingly, the applicants presented a series of revised drawings concerning the base of the structure to account for this change in the development site. These revisions included:

- Introduction of two additional street level retail spaces.
- Three levels of above grade parking, including work studios that front on the 2nd Ave façade, and five floors below grade parking – the original project had eight floors of below grade parking.
- Increase in the height of the base of the building to convert the 6th floor from residential spaces to spaces dedicated to activity rooms, conference rooms, an exercise room and storage spaces.
- Introduction of a glass scrim in front of above grade parking, including using opaque glass for screening of parking and transparent glass for work spaces that also screen this parking.
- Creation of a terrace, solarium and resident lounge of the top floor of the building.

Based on these revisions, additional details were provided to demonstrate changes in the lower levels of the building. These included:

- Street level details on 2nd Ave, including elevations of the lobby and retail spaces.
- Use of a bowed canopy at the residential entrance, with wood detailing and treatment.
- Metal and glass canopy over retail spaces.

As requested by the Board in previous meetings, ongoing design development of the egress/concourse area was provided. Details of the concourse/egress area, including computer generated rendering, illustrated the following:

- A lighted feature wall on the south property line, including basalt columns and lighting for distinction.
- Pavement patterning in the driveway to distinguish between areas for autos and pedestrians.
- A lighting plan that includes accent, detail and recessed down lighting throughout the concourse area.
- Architectural concrete walls.
- Wood treatment at the lobby entry from the concourse.
- Wood treatment on the roof of the concourse.

Per direction of the Board at their previous meeting, additional details along the alley facades were developed. These details have been developed throughout the review by the DRB and include the following:

- Massing similar to façade along 2nd Ave, accentuated through modulation of facades by use of concrete and glazing.

- Louvers and grill work for screening and detailing along the alley at the ingress, egress and loading dock areas.
- Glass extended from the tower portion of the down through the façade towards the top of the first floor of the building along the alley.
- Use of architectural concrete on the facades, similar to treatment provided along the 2nd Ave façade.

Details concerning lighting of the building and the site were also provided in an extensive lighting plan developed by the landscape architect and lighting expert for this project. The lighting plan for the project included the following elements:

- Down lighting along 2nd Ave integrated in both the nonresidential and residential canopies.
- Path lighting in the sidewalk to extend visibility of egress point from driveway.
- Down lighting within the concourse to provide detailing and visibility for autos and pedestrians.
- Lighting of portions of the exterior of the building.
- Effect of lighting of individual dwelling units at evening.

Departures from development standards:

Two departure requests were identified with the potential for additional departures based on possible development standards of the proposed downtown code, currently under review by the City Council. The two departures that will be required based on current code provisions are:

Code Section	Requirement	Provided
SMC 23.49.025	75% of Street Frontage devoted to street level uses, of 112.5 feet of frontage.	55% or 83 feet of the development site access.
SMC 23.49.026	5% of gross floor area devoted to residential common recreation area, equaling 16,050 sf for this project.	7,217 square feet, or 45% of the standard.

Additional departures that may be requested, based on the proposed land use code revisions to the downtown zoning code provisions under consideration by the City Council, include rooftop mechanical area allowances, façade length and height of the base structure. None were formally requested since the code has not been adopted for these features.

Recommendations:

The Board did not provide any additional guidance by prioritizing new guidelines. However, the Board provided the following comments, which are linked to the relevant guidelines previously prioritized from the City of Seattle’s “*Design Review Guidelines for Downtown Development, April, 1999.*”:

- Look for additional opportunities for expanding the common recreation spaces.
- Tower portion is successful in reducing the bulk and size of the building.
- Angles and detailing of tower portion of the project very successful.
- Work studio spaces to screen parking areas on upper floors very good idea.
- Scrim features over base portion of project very successful solutions.
- Facade of the base portion of the building needs additional work due to rethinking of project following loss of monorail, in particular entry to retail spaces, lobby and other features at the street level.
- Continuous canopy over street will be positive feature for project.
- High finish architectural concrete can benefit project but care should be made to reduce brutality of materials.
- A final concrete finish should be development with attention paid to coloration.
- Visibility of lobby should be maintained and heightened in lieu of meeting street level use requirements.

2. April 11, 2006 – 2nd Recommendation Meeting

The applicants returned on April 11, 2006 to show development of the project since the December 12, 2005. Dan Foltz of Weber + Thompson led the presentation with William Justen, the developer's representative, providing introductory comments. The presentation included a lengthy overview of points addressed in previous design review meetings, including:

- Additional elevations for tower and base.
- Studies and details for the Concourse/garage elevations.
- Details of the first six stories of the base along 2nd Ave, including details of the above grade garage, work studios, amenity floor and ground floor uses.
- Details of the scrim features on the 2nd Avenue façade for screening of above grade parking spaces.
- Lighting of the building for aesthetic and safety concerns.
- Additional details of the rooftop form and materials.
- An overview of materials and colors on exterior facades, canopies and driveway/concourse.
- Pavement patterning in the driveway to distinguish between areas for autos and pedestrians.

Departure from development standards

Four departures from development standards were identified at this final meeting, based on the newly revised downtown code. The four departures requested by the applicants are:

Code Section	Requirement	Provided	Rationale
SMC 23.49.009B	75% of Street Frontage devoted to street level uses, of 112.5 feet of frontage.	55% or 83 feet of the development site access.	The proposed retail spaces and the common recreation space at ground level provide sufficient street level uses to meet this code section.
SMC 23.49.010B	5% of residential floor area devoted to residential common recreation area, totaling 11,720 sf for this project.	4,988 square feet, or 42.5% of the standard.	The average size of the dwelling units (1900 sf), the solarium in each unit and the quality of the recreation space provided provides sufficient spaces to meet the requirement.
SMC 23.49.008D2	55% maximum rooftop coverage for mechanical equipment.	60% coverage	Applicant is stacking mechanical equipment to reduce coverage to minimum necessary, amount of coverage based on size of floor plate below rooftop and not size of parcel, which reduces opportunity to comply; significant screening due rooftop features.
SMC 23.49.022	18 foot sidewalk width.	16 foot sidewalk width with increased space at building entrances.	Proposed sidewalk widening required for monorail dropped during middle of this review – redesign would be onerous; landmark building to north and substantial older building to south likely precludes 18 foot sidewalk along this portion of 2 nd Avenue; proposal includes setbacks for building entrances.

SUMMARY OF BOARD’S FINIDNGS AND RECOMMENDATIONS

At their final meeting on April 11, 2006, the Board indicated their support for the project based on the development of their project using the design guidance from City of Seattle’s “*Design Review Guidelines for Downtown Development, April, 1999*”. The Board indicated that after considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three Design Review Board members in attendance recommended **APPROVAL** of the proposed design and **APPROVAL** of the departure requests outlined at this final meeting. The Board did not recommend any conditions of approval related to the design or any departures.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3). The Director agrees with the findings and recommendations of the Board concerning the project, with further analysis provided below.

While no conditions were recommended by the Board in support of their recommendations to approve the project and its departure requests, the Director finds that conditions of approval on the design are warranted. In developing their guidance for the project, the Board prioritized guidelines aimed at further refining and developing the street level uses in response to impacts created by the introduction of a curbcut for exiting automobiles onto 2nd Avenue. Further, the Board supported the applicants request for a departure from street level uses based on the quality of the street level uses provided, including the contribution that the ground floor common recreation space would make in meeting the downtown design guidelines. Part of the recommendations of the Board included that maximum transparency on 2nd Avenue be maintained, including the common recreation space established in the building at the ground level adjacent to the concourse/driveway.

Two guidelines specifically relate to maintaining and activating the streetscape with appropriate street level uses. These guidelines are as follows:

C-1 Promote pedestrian interaction.

Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

C-3 Provide active—not blank—facades.

Buildings should not have large blank walls facing the street, especially near sidewalks.

To ensure that the common recreation area meets the Board’s guidance and the intent of these guidelines, the project is **conditioned** to prohibit opaque window coverings in front of the common recreation area at the ground floor level, in order to maximize visibility of the common recreation area as well as maximizing visibility for pedestrians of the concourse/driveway area.

DECISION – DESIGN REVIEW

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the condition detailed above, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle’s “*Design Review Guidelines for Downtown Development, April, 1999*”. Therefore, the Director accepts the Design Review Board’s recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The Director of the Department of Planning and Development determined that the project is likely to result in adverse impacts to the following areas of the environment, per SMC 25.05.410:

- Land Use
- Historical Resources
- Aesthetics, Shadows and Glare
- Wind
- Transportation
- Construction

DPD has identified and adopts the City of Seattle's Final Environmental Impact Statement dated January 6, 2005 prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. 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 proposal 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 Downtown FEIS. Accordingly, the Notice of Adoption and Availability of Addendum was published in the City's Land Use Information Bulletin on April 6, 2006. A copy of the addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

As referenced, the addendum prepared for this project included an analysis of the project impacts disclosed above. This project was submitted for Master Use Permit review prior to the approval of changes to the Downtown Code to increase height limits within the DMC zone where this site is located. The code changes, adopted under Ordinance 115524 on April 3, 2006, allow the height permitted at this site to be variable based on a new zoning designation of DMC240/290-400. The height limits for this zone, dictated by residential versus nonresidential use, also assumed increased height based on contributions to the City's housing fund or development of housing, for low and moderate income populations. To support the Master Use Permit application, a text amendment to the City's Land use Code was prepared and submitted in concert with this Master Use Permit. The text amendment included changes to the land use code that mirrored the code amendments proposed by the Mayor, as indicated above. As the code provisions allowing this proposal have been adopted, the text amendment referred to with the Master Use Permit and in analysis in the Addendum is no longer relevant to this proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising

substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A. Impacts identified in the Downtown EIS

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

Land Use

SMC 25.05.675J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in land use element of the Seattle Comprehensive Plan. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

Accordingly, the addendum included an analysis of how the project is consistent with land use code and policies based on impacts disclosed in the Downtown EIS. The analysis in the addendum includes an overview of the City of Seattle Comprehensive Plan, along with an analysis of related goals and policies associated with the urban village, the downtown neighborhood plan, the zoning for the site and the surrounding area including the Pike Place Market zone. In addition, other elements relating to the land use element were analyzed, including impacts on subsections including population, employment, pedestrian environment and density and scale. Some mitigation has been proposed, including limiting heights of blocks to the west of the project site to between 50 and 75 feet for all but one building. However, the department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

Historical Resources

SMC 25.05.675H requires analysis and potential mitigation of impacts to historic structures. Impacts are required to be analyzed where a project directly impacts a historic structure through alteration or demolition as well as impacts created where a project is located directly adjacent to a landmark structure.

The addendum for this project included an analysis of impacts to the site and neighboring properties. The project includes the demolition of an existing three story building on this site. The building, constructed in 1908, lack features that are consistent with the designation of the structure as a potential City of Seattle landmark. In addition, analysis was provided to the State

of Washington Historic Preservation office as part of the project site that was included as a potential monorail station, prepared by the Seattle Popular Monorail Authority (SMP) as part of their Final Environmental Impact Statement. The site was not designated by the state as a potential landmark.

The project site does impact a neighboring property where a City of Seattle Landmark – the Doyle Building – is located. The Doyle Building at 119 Pine Street, originally known as the J.S. Graham Store, is a City of Seattle Landmark. The project impacts the structure due to the location of a historic feature of the building – a cornice – which extends beyond the facade and over the property line shared between the project site and the Doyle Building. To address this issue, the project includes a 4'4 inch setback along the north property line of the project site to allow for the cornice line of the Doyle Building to remain intact as a result of this project.

As the project site is located directly adjacent to a City of Seattle landmark structure, a referral was made to the Department of Neighborhoods, Landmark Board coordinator, as required under the City's SEPA Ordinance. The referral included a site plan, elevations and other documentation to determine if any impact to the Doyle Building would result from the proposal. Following review of materials prepared by the applicant, Department of Neighborhoods determined that the project would not cause an adverse impact on the adjacent landmark.

With these measures to setback from the cornice line of the Doyle Building and the determination of the appropriateness of designating the existing three story building resolved, no additional mitigation measures are required.

Aesthetics, Shadow and Glare

SMC 25.05.675Q requires that the Director assess the extent of adverse impacts and the need for mitigation. The analysis of sunlight blockage and shadow impacts shall include an assessment of the extent of shadows, including times of the year, hours of the day, anticipated seasonal use of open spaces, availability of other open spaces in the area, and the number of people affected. Further, if it is determined that a proposed project would substantially block sunlight from open spaces, specifically at Steinbrueck and Westlake Parks, at a time when the public most frequently uses that space, the Department may condition or deny the project to mitigate the adverse impacts of sunlight blockage, whether or not the project. Such mitigating measures may include limiting the height and bulk of the development or redesigning its profile. Pike Place Historic District is not indicated as a place to be protected from shadow or related impacts under this code section. While review was undertaken in the FEIS on the issue of shadowing of towers on public places could occur as a result of the changes to the Downtown zoning code, this specific site was not evaluated and, accordingly, is analyzed here.

Analysis was provided in the Addendum to look at how shadowing impacts would occur during both the Vernal and Autumnal Equinoxes (March 21 and September 21) as well as Winter and Summer Solstice (June 21 and December 21). On March 21, between the hours of 6:30 am to 7:45 am, there would be an increase of between 10% and 60% at 10 minute intervals, on Steinbrueck Park. The intervals start and end at 10%, with the maximum occurring at approximate 8:15 am. Sunrise on March 21 occurs at approximately 6:15 am. At Westlake Park

on the same day between 3:00 and 3:30 pm, there would be an increase of no more than 15 percent, after which time the shadowing on this Park will have already been established by existing buildings. Sunset occurs on March 21 at approximately 6:20 pm.

On September 21, Sunrise begins at approximately 6:53 am, with Sunset at 7:11 pm. Between the hours of 7:30 am and 8:45 am, there will be an increase in shadowing of between 10% and 60% in the same pattern as established on March 21. A similar pattern will occur at Westlake Park as occurred on March 21, with an increase of up to 10% between the hours of 4:00 and 4:30, after which existing shadows on the space will dominate.

No shadowing impacts will occur on either Westlake or Steinbrueck Parks on June 21 or December 21.

Based on the impacts disclosed and analyzed for each Park, given the length of time of the impacts, the impacts created by existing structures, the time of the year the impacts occur, the time of day, the impacts created by shadowing on these spaces are not significant enough to need mitigation. Accordingly, no further review is necessary.

Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts and the need for mitigation. In particular, in Downtown zones, there are specific code provisions addressing impacts to the street system and specific mitigating measures that are available for projects. For residential projects, these measures are limited to the use of signage, the provision of information on transit and ride-sharing programs; and Bicycle parking.

As documented in the addendum and supporting plans, a 10 foot curbcut is proposed for a new exit only driveway onto 2nd Avenue. 2nd Avenue is a Principal Transit Street and as such carries significant amounts of vehicular traffic as well as providing a significant route for pedestrian traffic related to buses and for connections to and from office and residential uses in the area. The introduction of the curbcut and driveway, as documented in the Addendum, is needed to address traffic circulation issues caused by the project at and near the intersection of 2nd and Pike street. As part of the project, improvements have been suggested that include lighting in the sidewalk as a means of providing warning to pedestrians of exiting automobiles. The design of the building has been developed to provide maximum transparency along 2nd Avenue as well as in the driveway space to provide southbound pedestrians along 2nd with optimal views. Due to the siting of the building, no similar solutions can be provided for northbound pedestrians on 2nd. Further appropriate signage for southbound automobiles on 2nd Avenue seem warranted, in particular due to the designation of the street as a Principal Transit Street.

Accordingly, the project is **conditioned** to require the development of signage to provide adequate visual cues to pedestrians and vehicles along 2nd Avenue of vehicles exiting the garage onto 2nd Avenue.

Wind

SMC 25.05.675G provides general language concerning height bulk and scale impacts of a project. Some reviews of these issues were undertaken in the Downtown EIS. However, since such reviews are based on site specific impacts of a structure based on prevailing wind information, further review of these impacts are required at the time of a specific development.

Generally speaking, buildings of significant height can cause undesirable impacts on the pedestrian impact through increased wind speeds at the street level. To address these concerns an assessment was prepared using available data from the site coupled with modeling based on the profile of the proposed tower and its site plan. Specifically, the locations at the site were considered in addressing potential impacts from wind – along 2nd Avenue, along the alley (News Lane) and at the proposed concourse/driveway. Based on data provided to analyze wind impacts at these locations, no significant impacts related to wind conditions were likely to result from this project. Accordingly, no mitigation is required.

B. Additional impacts not identified in the Downtown EIS

SMC 25.05.600D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the Downtown EIS along with the development of an addendum to analyze and mitigate site specific impacts not disclosed in the EIS. One area of impacts that were not discussed in the EIS – Construction– is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600D3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the downtown EIS.

Solid waste and recycling

Currently, the alley abutting the project is home to solid waste and recycling containers for a number of residential and commercial uses in the immediate area. The use of the alley for these facilities has been a long standing feature of these nearby properties, given the age of the structures along this alley. As a result of this project, the alley will be converted from two ways to a southbound one way direction. Further, the increased number of automobiles on this alley will potentially impact the continued use of the alley for solid waste and recycling containers. Due to the changes to the alley as a result of this project, the project is conditioned to require a plan to address potential modifications to existing locations of solid waste and recycling facilities along the alley and efforts to mitigate adverse impacts related to the movement of these facilities. The plan will be reviewed and approved by DPD, in conjunction with Seattle Public Utilities and SDOT.

Construction

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

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

The addendum includes a series of measures to mitigate impacts associated with work in the downtown area. These include limiting hours of work between 7 am and 6 pm Monday through Friday and 9:00 am to 6:00 pm on Saturdays, ensuring nighttime activities do not exceed noise ordinance limits, limiting high noise impacts to between 8:00 am and 5:00 pm. Further, specific measures are incorporated into the Addendum to reduce impacts to the adjacent Doyle Building, a City of Seattle Landmark and other surrounding properties. These include reducing or limiting vibrations, using crushing machines instead of crane based demolitions or implosions, using sound barriers and other methods to reduce impacts on adjacent structures.

Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are also included, specifically the development of a truck hauling plan, use of structured parking facilities for construction parking, staging of trucks outside of the downtown area, maintaining pedestrian walkways and sidewalks during construction, with temporary closures if needed and covered walkways along 2nd Avenue.

Accordingly, the project is conditioned to implement all mitigating measures outlined in the Addendum related to mitigation of Construction impacts through the development of a Construction Management Plan addressing access to the site during construction, noise mitigation efforts, vibration mitigation efforts and other features to address impacts related to construction activities.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. No opaque window coverings shall be allowed over any windows at the ground floor common recreation space.

Non-appealable conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner or by the Design Review Manager. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

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

CONDITIONS - SEPA

Prior to the Issuance of the Demolition and/or Shoring Permit

1. The applicant shall submit for review and approval a Construction Management Plan to address mitigation of impacts resulting from all construction activities. The Plan shall include a discussion on 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. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project.

During Construction

1. The project shall implement all mitigating measures for construction related impacts identified in the Addendum.

Prior to Issuance of Certificate of Occupancy

1. The applicant must develop a plan to address potential modifications to existing locations of solid waste and recycling facilities along the alley and efforts to mitigate adverse impacts related to the movement of these facilities. The plan will be reviewed and approved by DPD, in conjunction with Seattle Public Utilities and SDOT.
2. Signage must be provided that provides visual cues for both automobiles and pedestrian of exiting traffic from the project onto 2nd Avenue.

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

Date: May 18, 2006