



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 2308530
Applicant Name: Ben Barron for Clise Development Company LLC
Address of Proposal: 2017 Seventh Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a 31-story building, with 11,189 square feet for retail use at ground level, 256,000 square feet of administrative office use between floors 5 thru 17, and 167 residential units. The project includes accessory parking for 423 vehicles in four levels of below grade and four levels above grade parking. Additionally, an Addendum to the Seattle Commons/South Lake Union Plan Final Environmental Impact Statement (Issued May 11, 1995) was prepared for the 2017 7th Avenue project. The existing commercial buildings will be demolished under a separate permit.

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC)

1. Upper level Coverage Limit Areas between 125' - 240' 23.49.078.A.4
2. Maximum Façade Length between 125' - 240' 23.49.078.B.1
3. Maximum Façade Length between above 240' 23.49.078.B.1
4. Lot Coverage for low element 23.49.008.A.1.a

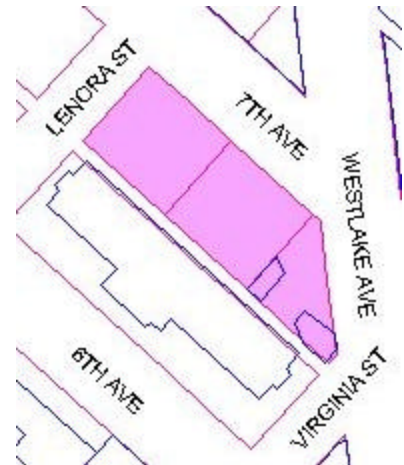
SEPA - for conditioning only – Seattle Municipal Code (SMC) Chapter 25.05.

SEPA DETERMINATION: Exempt DNS MDNS EIS*
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

* Final Environmental Impact Statement issued by Seattle Commons/South Lake Union Plan in May 1995. The final EIS analyzed seven alternative plans for the future development of the South Lake Union area, which this project falls well within the range of actions. This EIS addendum primarily focused its analysis and comparison to Alternative Four and Five which most directly falls within the scope of the development proposal.

SITE BACKGROUND INFORMATION:

The subject site is wedge shaped and fronts along Lenora Street to the north, 7th Avenue to the east, Westlake Avenue and Virginia Street to the south and a platted alley to the west (running parallel to 7th Avenue). The development site combines three parcels of land comprising a land area of approximately 33,754 square feet located in Seattle's northern Downtown neighborhood. The development site is located within the Downtown Office Core Two zone with a height limit of 300 feet (DOC2-300). Additionally, the site is located within the Denny Triangle Urban Center Village Overlay District.



Currently the entire site is paved; there are two public pay parking lots for short-term parking and a rental car facility with a one-story accessory building and a two-story office building. Located at the southern extreme of the development site, the rental car lot has a fueling station, car wash, and rental car parking lot. Vehicle access to the rental car lot is off Westlake Avenue and the alley. Also, there is a large billboard sign mounted just north of the car rental facility. The development site slopes downward from west (alley frontage) to east approximately nine feet.

The paved alley abutting the property to the west is 16 feet wide, which is less than the required 20 foot width required for the zone. The applicant will be required to dedicate two feet to meet current development standards. The alley is a one-way right-of-way serving northbound traffic. The streets that abut the development site along the north, east, and south perimeters are fully improved with sidewalks, curb, etc. Lenora Street is a one-way street heading westward and Virginia Street is a one-way street heading east. Westlake Avenue is a significant vehicle traffic corridor connecting north end commuters to Downtown. The City's Planning and Development Department is studying this portion of the Westlake corridor including potential improvements to accommodate street cars and pedestrian oriented landscaping features.

AREA DEVELOPMENT

The site is oriented with its longest street frontage along 7th Avenue between Lenora Street and Westlake Avenue. The corner at 7th and Westlake has an unusual amount of public right-of-way due to the angles of intersecting streets and width of rights-of-way due in part to the 95 foot widths of 7th and Westlake Avenues, which creates a very open area which extends north of Lenora with the current surface parking lot developments adjacent to 7th Avenue. The site is within the Denny Triangle Urban Center Village (UCV) in the Denny Triangle neighborhood of Downtown. Immediately to the west across the alley is the Sixth Avenue Inn, a four-story concrete building built in 1958. Across Lenora to the north are additional public surface parking lots. Development to the east across 7th includes two buildings with a mix of commercial uses at street level with one structure containing residential uses on the upper level. The modest sized buildings range in height from two to three stories. The development site is on the edge of the built-up part of Downtown with a number of new structures nearby to the south and west. The new 380 feet high Nakamura Federal Courthouse building was recently completed immediately across Virginia Street and the new Seattle Police Department with the neighborhood

Community Meeting room is across 8th Avenue. The nearest landmark building is two blocks away at the northeast corner of 9th and Virginia.

Zoning in the area includes Downtown Office Core, Downtown Mixed Residential, and Downtown Mixed Commercial of varying heights. The four block area along 7th Avenue, between Blanchard Street and Olive Way has DOC2-300 zoning. Outside this zoning band to the east and west is the Downtown Mixed Commercial zone with a height limit of 240 feet. This area contains a dense mix of commercial uses that include surface parking lots, office, retail, and lodging uses. Of the residential uses in the area, apartments/condominiums dominant the uses within the upper levels of the existing structures.

Proposal

The applicants propose to demolish two existing buildings (at the budget car rental lot) and construct a 31-story building containing a ground level retail use with mid-level office uses, and upper level residential uses. On-site parking will be accommodated in below grade and above grade parking levels. The project includes an increase of up to 20% in additional height as allowed by Code (SMC 23.49.008.A.2.b) when at least 25% of the lot area at street level is in open space use or occupied by a structure no greater than 35 feet above street level, among other criterions. With the exception of parapet and light monitor features 26% of the development site will 35 or less above street level. The building will be sculpted in a fashion to step back from Westlake Avenue in three main sections as it extends to a maximum height of 360 feet to the top of root, along the Lenora Street frontage. Primary pedestrian access to the proposed uses will be separated; retail will be access along Westlake, office along 7th and residential at the corner of 7th and Lenora. The 16 foot wide alley abutting the subject lot to the west will require a 2 foot dedication to increase its width to accommodate the proposed development.

The building form is derived from, and expressive of its component uses. The 12 story office (between the 5th and 16th floors) is comprised of central “core,” with a strong vertical emphasis and stone cladding, and two wings, which extend the building to the north and south. The wings are lighter in scale and feeling, with a glass curtain wall enclosure. At the 17th floor, there is a 3 story expression that provides a scale transition between the office and residential components. This zone includes the amenity spaces for the residential occupants, and 3 levels of loft style units with generous ceiling heights. This loft zone serves to create a clearly demarked transition between the office façade below and the 13 story residential tower above. Landscaped open space will be provided on the roof decks on the 3rd and 17th floors.

Public Comments

| | |
|---------------------------------|---------------|
| Date of Notice of Application : | June 24, 2004 |
| Date End of Comment Period: | July 21, 2004 |
| # Letters | 0 |

The public comment period for this proposal originally ended on July 7, 2004. The Department published a revised notice of the project to include acquisition of the south portion of the block front and revised addendum to the final EIS for the Seattle Commons/South Lake Union Plan.

Community members voiced their opinions for strengthening the design vibrancy of the proposed building during the Design Review public meetings. A number of their concerns were aired during the design review phase; including modifying the proposed structures massing and detailing. One member from Seattle Public Utilities addressed concerns regarding on service upgrades to electrical service.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

On March 9, 2004, the Downtown Design Review Board met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comment the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Downtown Development*" of highest priority to this project.

A. 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.

The Board felt that in the mass of the building should be pushed back from Westlake towards Lenora Street, due to the emerging variety of building forms in the immediate area. The Board directed the applicant to look at developing the building in a series of setbacks, starting at the ground level and working up towards the upper floors. The Board prioritized this guideline for this project, as other buildings in the surrounding area are establishing a new context for this part of downtown.

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

The Board wanted the building to include a sculpted rooftop, given the relatively low height that the project will have as a commercial building. If the project proceeds with a residential tower component, the Board was interested in seeing a different solution than what would be appropriate for a commercial only project. The Board directed the applicants to develop a sculptural top for a commercial only project that would enhance views along the Westlake Ave. corridor as well as from Capitol Hill and other adjacent views. The Board indicated that the development of a sculptural and/or geometric roof form was appropriate here, as new and planned buildings in the area have used more innovative roof forms.

B. 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.

The Board did not provide specific directions but encouraged the applicant to explore reducing the appearance of bulk for the proposed structure by taking cues from similarly scaled structures in the area and by animating their proposed structure.

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 Board directed the applicants to develop the mass of the building by expressing the upper and lower floors in a separate manner. The Board directed the applicant to look at the development of a building that would complement an emerging context for this part of downtown, one based on new building forms, view enhancement and variations in massing.

C. The Streetscape : Creating the Pedestrian Environment

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.

No specific guidance provided

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.

No specific guidance provided

C-3 Provide active—not blank—facades: Buildings should not have large blank walls facing the street, especially near sidewalks.

The Board directed the applicants to provide an active façade and program uses on its Lenora Street façade, to counter the likely location of main entries and street level uses on 7th Ave. The Board expressed interest seeing the design of a project that ensured that Lenora was treated as a front and not a side of the building, in both the application of materials and in street level uses.

C-4 Reinforce building entries: To promote pedestrian comfort, safety, and orientation, reinforce the building's entry.

No specific guidance provided

C-6 Develop the alley façade: To increase pedestrian safety, comfort, and interest, develop portions of the alley facade in response to the unique conditions of the site or project.

The Board directed the applicant to pay attention to the proposed loading dock and other ancillary uses, in relationship to the motel that is located across the shared alley to the west.

D. Public Amenities: Enhancing the Streetscape & Open Space

D-1 Provide inviting & usable open space: Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

The Board was concerned about the potential use, or misuse, of a proposed park (located on the southern portion of the development site – Budget car lot). The Board felt that the development of such a feature would have to be programmed with uses fronting it to ensure safety and security for users of the park, as well as a park that was designed for optimal use by both building tenants and people in the general area.

E. Vehicular Access & Parking: Minimizing the Adverse Impacts

E-1 Minimize curb cut impacts: Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

The Board directed the applicant to look at the effect that a curbcut for both ingress and egress would have on the pedestrian use of Lenora, given its proximity to emerging uses to the east and the Belltown neighborhood to the west.

Summary: The guidance of the Board reflected their desire to see the proposed project integrated into a neighborhood in transition with attention paid to the Westlake and the tower massing best located away from Westlake.

MASTER USE PERMIT

The project proponents applied for a Master Use Permit (MUP) on June 7, 2004. The project received a Determination of Significance and an addendum to the South Lake Union / Seattle Commons Environmental Impact Statement (EIS) was made available to the public to review. See SEPA analysis below.

Design Review Recommendation Meeting

An Initial Recommendation Design Review meeting was held on October 4, 2004 after submittal of the Master Use Permit to address the initial design response to Early Design Guidance. The development proposal was revised to incorporate the adjacent parcel of land to the south which netted an increase of approximately 7,394 square feet to the subject site. The applicant presented elevation renderings, floor and site plans responding to previous guidelines. The building is proposed to be sculpted in three tiers; a lower level featuring retail, lobby areas, and parking; a mid-level for office use; and an upper level devoted to residential uses. The applicant proposed a design that seeks additional height of up to 20% (60 feet) above the 300 foot base height. Seven design departures were identified during this meeting that included; façade lengths, upper level coverage, open space, and driveway access. A discussion

ensued surrounding the new proposal with comments directing the applicant to further refine the design with no additional guidelines identified during this meeting.

Board Discussion and Initial Recommendations

The Board felt that the proposed structure’s base was too heavy and repetitive in its design. The base appeared constrained in its articulation to establish a presence at street level. The Virginia and Westlake frontages seemed not to take into consideration the potential for creating pedestrian orientated active streets. A more dramatic statement and more visual interest need to be created throughout the street level design, especially along Westlake. Further, the building should take greater advantage of the uniqueness of the triangle portion of the lot. The Board requested including some type of feature to energize the corner of Westlake and Virginia. Some suggestions the Board shared with the applicant included adding an illuminated lantern feature – clerestory, higher glass bay, and parapet at the corner. Designing pedestrian access points demarking the separate uses should also be incorporated in the design.

The Board directed the applicant to express greater visual connection between the lower, mid and upper-levels with carrying design themes through to each level with variation. The gasket feature separating each of the three major levels works, but needs further detailing. Employing greater sophistication of modulation techniques between the levels was encouraged. The proposed air louvers on the above grade parking level, if not designed well, may detract from design composition of the façade. In designing the louvers, attention should be directed towards creating a pattern that compliments the exterior while containing vehicle lighting within the levels. The design should be joyful, opening up and embracing this area.

Final Design Review Board Recommendations

On November 23, 2004, the Downtown Design Review Board convened for the recommendation meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meetings. The applicant requested four (4) departures from the City’s Land Use Code.

Public Comments

One member other than the development team attended the meeting, a representative of Seattle Public Utilities. Comments concerning proposed development and service upgrades to electrical service were provided to the Board.

The following *departures* from standards of the Land Use Code were requested by the applicant at the time of the meeting and summarized in the table below:

Summary of Departures

| <i>Development Standard</i> | <i>Requirement</i> | <i>Proposed</i> | <i>Rationale/Comment by Architect</i> | <i>Recommendation by Board</i> |
|--|--|-----------------|---|--------------------------------|
| Upper level Coverage Limit Areas (125’ - 240’) | Percent of coverage limit area that may be covered: 40% (5,793 sf) | 45% (6,570 sf) | Building massing objectives (per EDG) and narrow site width (108’). | Recommend Approval |

| <i>Development Standard</i> | <i>Requirement</i> | <i>Proposed</i> | <i>Rationale/Comment by Architect</i> | <i>Recommendation by Board</i> |
|--------------------------------------|--|---------------------|--|--------------------------------|
| Maximum Façade Length (125' - 240') | Maximum façade length 120' | 199' | Street façade width is 124' based on 30' structural grid plus 2' for column thickness and curtain-wall at each end. Setback to adjacent façade is less than 15', therefore façade length is considered to be 199' | Recommend Approval |
| Maximum Façade Length (Above - 240') | Maximum façade length 120' | 139' | To achieve a design goal of constructing a graceful building sympathetic to the vicinity the building is oriented along 7 th Ave. Setback to adjacent façade is less than 15', therefore façade length is considered to be 139' | Recommend Approval |
| Lot Coverage for low element | 25% (8,435 sq. ft.) of lot occupied by structures no less than greater than 35' in height. | 22% (7,418 sq. ft.) | Parapet height matches neighboring buildings. Rooftop feature and trellis contribute to character of rooftop open space and add scale transition at Westlake & Virginia. | Recommend Approval |

Board Discussion

After considering the proposed design and the project context, hearing public comments and reconsidering the previously stated priorities, the Board began their deliberations by providing a general assessment of the project proposal and its fit into the neighborhood. One member opined that the proposed corner element at Westlake and Virginia looked like a bolt holding down the corner. The Board determined that the length if the overhead weather protection over the sidewalks did not cover the garage entries. They also ascertained that the height of the Westlake façade closely matches the Larned Apartments and Westlake Hotel façade heights, but the Westlake façade projects higher than the provision regarding added height for projects that have at least 25% of the site and no higher than 35 feet. This added façade height and corner feature of 45 feet (above grade) may be considered for departures from lot coverage regarding the slightly reduced area of the lower massing element in the Westlake corner. Discussion ensued regarding the details of the requested departures for the Maximum Façade Length and the Coverage Limit Area standards.

One Board Member commented that the top now appears very articulated and the Architect pointed out that he has moved the proposed balconies from the alley side to the Westlake façade for the upper residential component. Another Board member noted that the updated design for the tower appears more blended. The Architect said he has viewed the gasket feature between the office and residential parts of the tower as a knuckle that transfers structural loads from different systems and he has tried to emphasize the gasket by using an all glass solarium.

The Board accepted the applicant’s proposal with recommended conditions to better achieve a design that is at once complimentary to the surrounding neighborhood, yet bold in making a vibrant

architectural statement. The Board expects the planner to work out the details with the architect prior to issuing the Master Use Permit.

The Board was encouraged with the applicant's effort to better integrate the vocabulary between the three vertical segments, architectural design themes, color, and texture. The Board discussed ideas for creating more visual interest and better human scale even further along the street level. The Board determined that overall design composition has achieved an expressive refinement that is a vast improvement from previous iteration. (*Guidelines A-1, B-1, B-4, C-2, C-3, & C-4*)

The Board felt the gesture to move the residential decks from the alley to the Westlake frontage successfully incorporated a subtle articulation on the upper levels to create visual interest and character. Stronger visual connection between the major levels (retail, office, and residential) has been successfully been obtained. The Board recommended approval of this design and encouraged working with the planner to add character and further breakdown the scale of the proposed building. (*Guidelines B-4, C-2, C-3, & C-6*)

The Board was supportive of the upper level private stair towers and flag pole feature on the rooftop. The placement of these features has help to sculpt the upper level, creating a more sophisticated look upon the Downtown skyline. (*Guidelines A-2, B-1, B-4*)

The Board noted that it was apparent that the applicant incorporated design elements to define pedestrian and vehicle access points with expressive features. Vehicle access within the alley should be limited to the primarily residential uses and commercial loading. As previously noted the alley serves one-way traffic moving south to north. Vehicle access off Lenora Street will primarily serve commercial uses. Ground level pedestrian entries are separated between the uses with distinctive design features to facilitate cognitive differentiation. To further activate the pedestrian space in the right-of-way the Board supported the idea of embedding lighting in the sidewalk if practical and creating visual interest along the sidewalk. (*Guidelines C-1, C-4, E-1*) Thus, the project should move forward as designed.

Departure Analysis

i. Upper level Coverage Limit Areas between 125' - 240' (SMC 2349.078.A.4)

Maximum coverage of the coverage limit areas between 125 feet to 240 feet is 40%. The applicant proposes to increase the coverage to 45% due to site constraints. The development site is wedge shaped with a maximum length of approximately 360 feet and a width of 180 feet. To achieve a design composition that embraces Downtown design guidelines on a narrow lot the building's length was extended. The building has three distinctive levels; the lower occupying an area of approximately 25% (less than 50 feet above the sidewalk), 45% mid-level, and the upper level occupying an area of approximately 39%. The buildings massing is sculpted in a fashion that substantial reduces the appearance of bulk. The Board felt that the design objectives expressed during EDG were achieved in the proposed design. (A-1, A-2, B-1, B-4, C-2, D-1)

ii. Maximum Façade Length(SMC 23.49.078)

- between 125' - 240' (SMC 23.49.078.B.1)

Along 7th Avenue's 250 foot street frontage the applicant is proposing a maximum façade length of 199 feet (at floor levels 11 – 16) along a street that allows only 120

feet. Façade lengths will vary from 199 feet, 124 feet at floor levels 17 & 18, and 139 feet at level 19. The street façade width modulates horizontally setting back approximately 10 feet. If the modulation features stepped back to a minimum depth of 15 feet then certain segments of the façade would not be included when measuring façade width. The middle span of the façade is 124 feet in length (nearest 7th Avenue street frontage) with two ten foot recessed segments of 60 and 15 feet. The applicants’ design was supported by the Board, with providing a stylized building that would uplift the neighboring area. (A-1, A-2, B-1, B-4, C-2, D-1)

- between above 240’ (SMC 23.49.078.B.1)

See comments above. Upper level façade length will be no greater than 139 feet at levels 20 to 30.

iii. Lot Coverage for low element (SMC 23.49.008.A.1.a)

If 25% (8,435 sq. ft.) of the lot is occupied by structures or portion of structures no greater than 35 feet, the proposed structure can gain 20% of additional height. Responding to the direction of the Board the applicant has installed a landmark feature at the corner of Westlake and Virginia to invigorate and excite the corner. This steel and glass feature will extend to a maximum height 45 feet 4 inches above existing mid-point grade. Additionally, the parapet height on the lower level will exceed four feet to match neighboring buildings which was supported by the Board. The lower level rooftop feature and trellis contribute to character of rooftop open space and add scale transition at Westlake & Virginia. Actual area of low structure below 35 feet is 22 % (7,418 sq. ft.) which exceeds the threshold limit (25%) by approximately 3%. (A-1, A-2, B-1, B-4, C-2, D-1)

Summary of Departures

| <i>Development Standard</i> | <i>Requirement</i> | <i>Proposed</i> | <i>Rationale/Comment by Architect</i> | <i>Recommendation by Board</i> |
|--|--|-----------------|--|--------------------------------|
| Upper level Coverage Limit Areas (125’ - 240’) | Percent of coverage limit area that may be covered: 40% (5,793 sf) | 45% (6,570 sf) | Building massing objectives (per EDG) and narrow site width (108’). | Approved |
| Maximum Façade Length (125’ - 240’) | Maximum façade length 120’ | 199’ | Street façade width is 124’ based on 30’ structural grid plus 2’ for column thickness and curtain-wall at each end. Setback to adjacent façade is less than 15’, therefore façade length is considered to be 199’ | Approved |
| Maximum Façade Length (Above - 240’) | Maximum façade length 120’ | 139’ | To achieve a design goal of constructing a graceful building sympathetic to the vicinity the building is oriented along 7 th Ave. Setback to adjacent façade is less than 15’, therefore façade length is considered to be 139’ | Approval |

| <i>Development Standard</i> | <i>Requirement</i> | <i>Proposed</i> | <i>Rationale/Comment by Architect</i> | <i>Recommendation by Board</i> |
|------------------------------|--|---------------------|--|--------------------------------|
| Lot Coverage for low element | 25% (8,435 sq. ft.) of lot occupied by structures no less than greater than 35' in height. | 22% (7,418 sq. ft.) | Parapet height matches neighboring buildings. Rooftop feature and trellis contribute to character of rooftop open space and add scale transition at Westlake & Virginia. | Approved |

Summary of Boards’ Recommendations:

The recommendations summarized below were based on the plans submitted at the November 23, 2005 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings submitted for review on February 11, 2005. 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 who were present recommended approval of the subject design with conditions. Several departures were requested. The three Board members unanimously made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. The latest designs of the façade have obtained a successful level of refinement. The corner feature at Westlake and Virginia should be uplifted to reinforce the corner entry. Details to be reviewed and approved by the DPD planner. *A-1, A-2, C-1, C-4*
2. Design and use interior lighting within the corner tower that provides a “lantern beacon” effect without creating upward light pollution subject to the approval by the DPD *A-2, B-1, C-1*
3. Design and install more interesting improvements on the Westlake sidewalk area where the choice of paving materials and design should set the standard that reflects the design goals for the future of Westlake Avenue. Also, lighting should be used to define the landscaping in the right-of-way. The architect is encouraged to work with DPD and CityDesign on the details for improvements in the Westlake right-of-way. Details to be reviewed and approved by the DPD planner. *B-1, C-1, & C-41*

Director’s Analysis and Decision : Design Review

The design of the proposed building (with retail, office uses, and 167 residential units) has as similar good overall scale and proportion. The design has incorporated influences of the surrounding vernacular with modern touches to provide visual interest that creates a sense of individuality. As viewed from the 7th Avenue street frontage, the proposed structure will feature three distinct levels that steps back from the Westlake frontage as the structure increases in height. The building will extend to a height of 360 feet with rooftop features extending an additional 50 feet above the rooftop. Lower and mid-level façades include stone cladding, steel and glass canopies, and aluminum and glass curtain walls with a “gasket” feature between the office and residential levels at the 17th and 18th floors. Upper level balconies will be partially recessed and framed with metal railing systems to activate the building’s facade. The impact of bulk will be further lessened upon surrounding properties due to in part to the use of architectural features such as modulation, glazing, and placement of exterior decks. The flagpole

adds a great vertical focal point to the structure and the clerestories will add articulation to the structure's crown.

As viewed from Lenora Street, the structure will have similar façade design treatments found along the 7th Avenue facade. At street level, a two-way vehicle access driveway will be located approximately 8 feet east of the platted alley, providing the only vehicle access point off the abutting streets. Pedestrian residential entry and exits are also featured along the Lenora street frontage. Westlake Avenue is considered the predominant street frontage due in part to its pedestrian orientation and proposed future redevelopment which may include street cars. The applicant has designed a structure to compliment the City's draft Westlake Avenue Design Plan. Along the Westlake frontage the proposed façade will be scaled to less than three-stories in height with rooftop open space. This will bring a portion of the structure within a human scale to open up the street up to pedestrian friendly activities and views from Westlake that was enthusiastically supported by the Board.

During the course of the Design Review process the applicant requested additional departures related to rooftop features and the Board recommended approval. The proposal for 6 foot fencing rooftop features would extend the allowed height limited, and are not subject to departure requests from the Code (SMC 23.41.012). This feature will be redesigned to meet Land Use development standards. The other requests have been determined by the director to meet the Code, including the stairways to the rooftop private open space and 4 foot maximum parapet on the upper level.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Downtown Development.*” The Director **APPROVES** the subject design consistent with the Board's recommendations above. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on November 23, 2004. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented in the plans submitted to DPD on February 11, 2005 in response to the outcome of the November 23, 2004 meeting.

ANALYSIS – SEPA

The Director of the Department of Planning and Development (DPD) has determined that the proposal is likely to have probable significant adverse environmental impacts.

DPD has identified and adopts the existing Seattle Commons/South Lake Union EIS and its SEPA analysis as being appropriate for the current proposal after independent review. DPD has determined that the proposal's impacts have been adequately analyzed in the existing Seattle Commons/South Lake Union Final Environmental Impact Statement (prepared in 1995). The Seattle Commons/South Lake Union EIS meets DPD's SEPA responsibilities and needs for the current proposal and has and will accompany the proposal to the decision maker.

An addendum to the Seattle Commons/South Lake Union EIS was prepared to add specific information on the impacts from the proposal and discuss changes in the analysis in the Seattle Commons/South Lake Union EIS. The addendum, prepared for the 2017 7th Avenue, does not substantially change analysis of the significant impacts and alternatives in the existing Seattle

Commons/South Lake Union EIS. However the proposal is likely to alter impacts on traffic and transportation. These two elements were further studied for this proposal.

An environmental impact statement (EIS) is used by agency decision makers to analyze environmental impacts, along with other relevant considerations or documents, in making final decisions on a proposal. The SEPA ordinance contemplates that the general welfare, social, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing project alternatives and in making final decisions. The EIS and supplemental documents provide a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA, because it provides information on the environmental costs and impacts.

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.

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 workers’ vehicles. 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, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project’s anticipated adverse air and environmental health impacts will be adequately mitigated.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Noise

Activity surrounding site preparation and construction will meet the requirements of Seattle's Noise Control Ordinance (SMC Chapter 25.08). The project is estimated to take approximately 18 months from the start of demolition activities through the issuance of a Certificate of Occupancy. Due to lengthy construction schedules, control of noise impacts that could possibly affect both adjacent residential and commercial uses in the area appears warranted. While the City's Noise Ordinance (SMC 25.08) establishes maximum permissible sound activities that the project intends to adhere to, there are several residential and lodging developments near the project site that may be adversely impacted by construction related noise. Potential affected properties nearest the construction site have been identified; 6th Avenue Inn (directly across the alley to the west), The Archdiocesan Housing Authority (one block due east), and the Metropolitan Tower Apartments (one block south). In addition, there are numerous commercial developments in the area that may be adversely impacted by noise generated throughout the construction schedule. Therefore, pursuant to the City's SEPA authority under SMC 25.05.675L, the applicant shall prepare a Construction Noise Management Plan to address mitigation of noise 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 concerning likely impacts and mitigation efforts. The Plan may be incorporated into any Construction Management Plans required to mitigate any short term impacts that result from the project.

Transportation

Truck & Equipment: Construction of the project will involve approximately 55,000 cubic yards of grading for the building foundation and subterranean garage. In addition to the activities involving the demolition of the existing structures, there will be construction to stabilize the site prior to construction of the building. These activities will take place over several weeks or months and generate significant truck trips. The Municipal Code (SMC 11.74.160) states that material hauled in trucks shall be loaded so no debris falls onto the street or alley during transport. This Code (SMC 11.62.060) also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to their destination.

The development site is bounded by Westlake Avenue, Virginia Street, Lenora Street, and 8th Avenue, all of which are downtown streets that have significant traffic associated with their use throughout the 24 hour time period. The activities at the development site include the demolition of existing buildings, and excavation of the site for the construction of a 31 story building. These construction activities may generate adverse impacts, therefore pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. Accordingly, the applicant shall be required to submit a Construction Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation to mitigate these impacts. The plan shall identify management of construction activities including construction hours, construction worker parking, proposed truck haul routes, limits on truck hours and issues concerning street and sidewalk closures.

Traffic - Construction of the project is proposed to last for several months. The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm water, Grading and Drainage Control, the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts that are not considered significant.

Height, Bulk, and Scale

The proposed 31-story project will rise to approximately 360 feet to the top of the flat roof from the average elevation grade along the 7th Avenue street frontage, with rooftop features extending up to a maximum of an additional 50 feet (flag pole). The development site is located within the Downtown Office Core Two zone with a height limit of 300 feet (DOC2-300). Zoning within the immediate area remains DOC2-300. Across the alley to the west of the development site, the height of the existing four-story structure (7th Avenue Inn) is considerably smaller in height. To minimize the visually impacts over 25% of the proposed structure is within 35 feet of grade. The site occupies the east half of a block that fronts four streets. Across each right-of way, ranging in width from 66 feet to 90 feet away from the subject site are structures of varying heights. The proposed project is being developed to DOC2 standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the land use element of the Seattle Comprehensive Plan for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Aesthetics – In accordance with the SEPA policy (SMC 23.05.675.P) the City protects public views of significant natural and human-made features including; Mount Rainier, the Olympic and Cascade Mountains, Downtown skyline, and the Space Needle. The height of the proposed building will rise to 382 feet (top of elevator penthouse) which warrant additional scrutiny. Existing multi-story structures in the vicinity have obscured views of the Olympic Mountains and Mount Rainier, and other views of natural features. The addition of the proposed structure at the development site would not further negatively impact views of natural or man-made features. A view analysis was provided in the

Addendum demonstrating the proposed project fell outside the view radius of the Space Needle from Four Columns Park. Four Columns Park is the only designated visual impact area providing views to natural or man-made features within range of the development site.

Traffic and Transportation

The transportation analysis was performed in accordance with standard practices for transportation impact analysis by a Professional Traffic Operations Engineer, Marni Heffron, in coordination with DPD. The proposed project is expected to generate a net increase of 1,160 trips per day, 187 trips during the AM peak hour, and 182 trips during the PM peak hour. Most of the intersections in the immediate vicinity of the site would operate at good levels of service (LOS C or better) during both the morning and afternoon peak hours. Additional trips would disperse before reaching intersections that operate at poor levels of service which are further away from the development site. Stewart/Denny, Stewart/Yale and Denny/Aurora (east) are intersections that could be impacted during the AM peak hour, and the Howell/Yale intersection in the PM peak hour. The Denny/Aurora intersection is forecast to operate at LOS E both with and without the project. The other three intersections are forecast to operate at LOS F both with and without the project. The additional delay at these intersections is anticipated to be less than 4.3 seconds per vehicle. The Project's impact to intersection in the immediate vicinity of the site would operate at LOS C or better. Therefore, the impacts of this project are in line with impacts already identified by the FEIS.

The proposed project would establish 423 parking spaces – 256 of these spaces would be accessory to the proposed office and retail use and 167 would be designated for residential use. Short-term visitors to the building could use the short-term principal use parking as well as visitors to the new Federal Justice Center across the street which was constructed with limited on-site parking (only for judges).

At the LOS E and F intersection discussed above the lane configurations and signal phasing already have been optimized, and no further improvement at these intersection likely is feasible. To reduce the project's trip generation and thus minimize potential traffic and parking-related impacts, the project proponent will implement a Transportation Management Plan (TMP) for the building. The TMP will be consistent with the City's Director's Rule 14-2002. The single-occupant vehicle (SOV) goal for this TMP shall be 30%.

Energy

Director's Rule 3-87 concerning energy consumption for project in excess of 50,000 gross square feet has recently been rescinded. It is estimated that the proposal would consume significant amounts of electricity. This project is anticipated to contribute to overall load growth for the region, and could have impacts on the environment associated with new generation projects. Adherence to Seattle Energy Code minimum performance levels should help to reduce maximum energy consumption and effectively mitigate impacts energy resources. However, the project proponent should consult with Seattle City Light on measures available through the "Energy Smart Design" program to further reduce energy consumption by the development. No mitigation pursuant to 25.05.675.E is warranted.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. 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

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement, Addendum (prepared by Xander & Associates under the direction of DPD), and Environmental Assessment approved and issued by DPD. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

CONDITIONS – DESIGN REVIEW

Non-appealable conditions

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings. Add call-out notes on floor plans where departures have been granted. Include the departure summary matrix on the zoning summary sheet.
2. Embed colored elevation and landscape drawings into the MUP and building permit plans.
3. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

After Issuance of Building permit and Prior to Groundbreaking

4. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

Prior to issuance of MUP

The owner/applicant shall update plans to show:

5. The corner feature at Westlake and Virginia to be uplifted to reinforce the corner entry.
6. Revised plan sets that comport with redline set #2 dated April 27, 2005.

Appealable conditions

After issuance of MUP and prior to issuance of any Construction

7. Design and use interior lighting within the corner tower that provides a "lantern beacon" effect without creating upward light pollution subject to the approval by the DPD
8. Design and install improvements on the Westlake sidewalk area where the choice of paving materials and design should set the standard that reflects the design goals for the future of Westlake Avenue. Also, lighting should be used to define the landscaping in the right-of-way. The architect is shall work with DPD and CityDesign on the details for improvements in the

Westlake right-of-way. Details to be reviewed and approved by the DPD planner and SDOT.

CONDITIONS – SEPA

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

Prior to issuance of any Construction or Grading Permits

7. Submit for review and approval a Construction Noise Management Plan to address mitigation of noise 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.
8. Submit for review and approval a Construction Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation to mitigate these impacts. The plan shall identify management of construction activities including construction hours, worker parking, proposed truck haul routes, and potential street and sidewalk closures.
9. Shall record with King County Department of Records and Elections a letter in a format similar to that in Attachment A of Director's Rule 14-2002 acknowledging the permit conditions related to the TMP requirements. A copy of the recorded document, showing the recording number, shall be filed with DPD prior to permit issuance and include the components indicated and referenced above in this Decision.

Prior to Issuance of Demolition Permits

7. Submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

During Construction

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

Signature: (signature on file) Date: May 2, 2005
Bradley Wilburn, Land Use Planner
Land Use Services

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Department of Planning and Development

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