



City of Seattle

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

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

Application Number: 3009145
Applicant Name: Dan Foltz, Weber Thompson Architects for HAL Real Estate Investments
Address of Proposal: 2116 4th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for future construction of a 40-story building containing 2,743 sq. ft. of ground level retail with 365 residential units above. Parking for 329 vehicles to be provided above and below grade. Project includes 34,500 cu. yds. of grading. Existing structure to be demolished. An Addendum to the Downtown Height & Density Changes Environmental Impact Statement (2005) has been prepared.¹

The following approvals are required:

Design Review pursuant to Seattle Municipal Code Chapter 23.41 with Development Standard Departures:

1. Maximum Tower Width (SMC 23.49.058 D.2)
2. Structural Building Overhangs (SMC 23.53.035 A.2)
3. Overhead Weather Protection (SMC 23.49.018.B)
4. Parking Aisle Width (SMC 23.54.030.E2)

SEPA - to approve, condition or deny pursuant to 25.05.660.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS²

☐ DNS with conditions

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

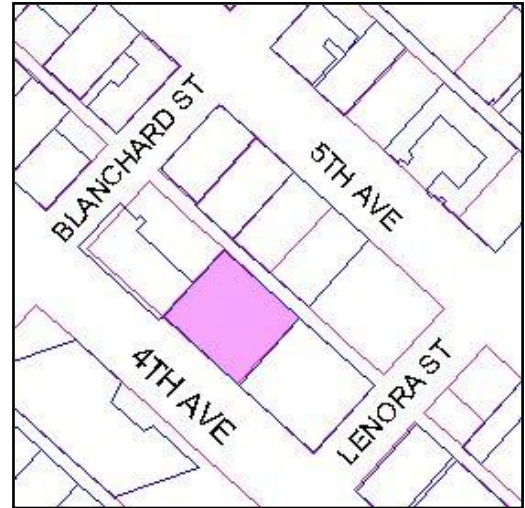
¹ The project was first noticed on October 16, 2008 with 357 residential units and parking for 328 vehicles. The Summary above reflects the updated and revised project description.

² This project includes an Addendum to the Downtown Height and Density Changes Final EIS dated January 2005, which is adopted with this decision. This Addendum was noticed on December 16, 2010

BACKGROUND DATA

Site & Vicinity

The proposed development site is located mid-block between Lenora Street and Blanchard Street, on 4th Avenue in the Belltown neighborhood of downtown Seattle. The site is on the east side of 4th Avenue and contains a single story automotive repair building. The rectangular site measures 120 feet long and 108 feet deep. Fourth Avenue is a Class 1 pedestrian corridor and principal transit street. No Green Street or View Corridor designations exist for this project.



The site is zoned DMC 240/290-400. The height limit for this zone is 240 feet, however if a residential tower is proposed that participates in the creation or funding of low income house under SMC 23.49.015, and if the building is designed and built to at least a silver LEED level, it is eligible for up to 400 feet in height. An additional 40 feet, or 10% of the maximum height limit, is available for screened rooftop mechanical equipment.

The alley is currently 18' feet wide, making it substandard, requiring a setback on the alley of two feet. Fourth Avenue accommodates one-way, northbound traffic with parallel parking on the both sides of the street.

Located just outside the Downtown Commercial Core in the Belltown District, this area has a wide range of land uses and structures. Uses include offices, retail, multi-family residences and surface and garage parking lots. Abutting the site to the south is the Cinerama Theater.

The Downtown Mixed Commercial (DMC 240-290/400) zone surrounds the subject site. The subject site falls within the Belltown Urban Village and neighborhood specific guidelines for Belltown have been adopted as an extension of the Downtown guidelines.

Project Description

The proposed development at 2116 Fourth Avenue is for a 40-story building containing 2,743 sq. ft. of ground level retail with 365 residential units above. Parking for 329 vehicles to be provided above and below grade. Project includes 34,500 cu. yds. of grading. Access to the site will occur from the alley. The existing alley is 18 feet wide and the proposed development will dedicate an additional two feet, bringing the alley width to 20 feet. The project includes demolition of one single story building that is currently used an automotive repair shop.

Public Comments

Approximately four members of the public attended the Early Design Guidance meeting held on September 9, 2008. One additional comment letter was received. The following comments were offered:

- Concern about fitting the allowable height into relatively small lot, resulting in four floors of above grade parking, minimal open space at ground level and little to no flexibility to respond to future buildings across the alley.
- Proposed building massing does not appear to respond to the approved Martin Building or other context.
- Community supports installation of benches on 4th Avenue.
- Residential entrance should be identifiable with public art.
- Design of the podium element is acceptable.
- Unclear about the relationship between the proposed entry and that of the King County Building to the north.

No members of the public attended the Final Recommendation meeting held on December 16, 2008.

The SEPA comment period for this proposal ended on October 29, 2008; no comment letters were received during this period. The Notice of Availability of the Addendum to the Downtown EIS for Height and Density was published on December 16, 2010 with a comment period ending on December 31, 2010. No comments were received during this period.

ANALYSIS - DESIGN REVIEW

At the Early Design Guidance (EDG) meeting, a presentation of graphics, photos and computer modeling showing the allowed zoning envelope for the project and massing of in relationship to the surrounding built environment. The presentation materials included three separate concepts for each project, including massing diagrams, location of parking, pedestrian and vehicular access and possible departures. No specifics concerning materials were provided due to the early stage of design development and the overall purpose of this meeting.

The first scheme (Option 1) showed a simple box shape tower extruded from the same sized podium base. Due to glazing constraints of fenestration of 25% when located at or near the property lines, this option includes three evenly spaced narrow vertical bands of glazing on the north and south tower elevations. The east and west facades would be predominantly glazing.

The second scheme (Option 2) showed an H-shaped tower above a rectangular podium base. By including notched out areas on the north and south facades, the glazing increases up to 75%.

The third and preferred scheme (Option 3) includes a rectilinear base with a plus-sign shaped tower above. By eroding the corners inward, the glazing allowance and distribution can be more effectively located to enhance the corner design and articulation. This alternative was further developed to form the vertical façade sections into angles that emphasize views to and from the site.

The residential lobby entrance is proposed on the north end of the building and retail frontage extends for the remainder of the street frontage. All access to parking is shown from the alley. The parking would be distributed between four above-grade parking levels within the podium (starting at the third floor) and 8 levels of below grade parking. The above grade parking would be screened at the ends by work studio units and directly abut the façade for a width of approximately six stalls.

The common recreation area would be located at the seventh level and at the rooftop in both exterior and interior spaces.

The architect presented a conceptual plan for the right-of-way improvements along Fourth Avenue which included widened sidewalks, emphasis at the entry points, special paving, landscaping, street trees, seating and overhead weather protection.

At the Recommendation meeting, the design has evolved in response to the Board's guidance from the EDG meeting. The central organizing feature that connects the base, middle and top of the tower is a burnt sienna colored vertical band, referred to as the shepherd's hook, which extends the length of the tower. Detailed views of the screening for the above grade parking levels were shown as were detailed landscape plans and materials boards.

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment on September 9, 2008 and December 16, 2008, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those guidelines found in the City of Seattle's "*Design Review: Guidelines for Downtown Development*" of highest priority to this project. The Belltown specific supplemental Design Guidelines are in italics. The plain text following the guidelines elaborates on the Board's discussion of the design issues. The Board's final recommendations are in italics.

A. Site Planning

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

Belltown-specific supplemental guidance: (a) Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures; (b) The architecture and building mass should respond to sites having nonstandard shapes. There are several changes in the street grid alignment in Belltown, resulting in triangular sites and chamfered corners; and (c) The topography of the neighborhood lends to its unique character. Design buildings to take advantage of this condition as an opportunity, rather than a constraint. Along the streets, single entry, blank facades are discouraged. Consider providing multiple entries and windows at street level on sloping streets.

The Board discussed the street grid at this location and complimented the proposed massing for responding with angles to maximize views to and from the site.

At the Recommendation meeting, the Board discussed at length how the proposed design fits into the existing context, especially given the evolving nature of this part of downtown. The Board agreed that the scale of the base fits nicely into the context of the buildings on either side. The y also felt that the faceting of the tower results in a restrained, tall form.

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

The Board recognized that the proposed tower will be highly visible against the downtown skyline. They also mentioned they would like to see greater contextual analysis that extends far enough to show other towers potentials (existing and proposed) in the vicinity, as well as show what the permitted zoning would allow in the area. The Board encouraged the design to relate the top and the base to each other to form a cohesive whole.

At the Recommendation meeting, the Board agreed that the shaping of the tower to allow for fenestration on the north and south facades was a significant move towards giving the building greater interest as viewed from all angles. The Board also noted that the building base was well integrated into the overall tower and had progressed significantly from the earlier meeting.

B. Architectural Expression

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

Belltown-specific supplemental guidance: (a) Establish a harmonious transition between newer and older buildings. Compatible design should respect the scale, massing and materials of adjacent buildings and landscape; (b) Complement the architectural character of an adjacent historic building or area; however, imitation of historical styles is discouraged. References to period architecture should be interpreted in a contemporary manner; (c) Design visually attractive buildings that add richness and variety to Belltown, including creative contemporary architectural solutions; and (d) Employ design strategies and incorporate architectural elements that reinforce Belltown's unique qualities. In particular, the neighborhood's best buildings tend to support active street life.

At both the EDG and the Recommendation meetings, the Board agreed that the proposed massing responds well to the existing neighborhood context, which is undergoing dramatic changes. The Board noted concern that the proposed work studio units proposed on either ends of the four floors of above grade parking be highly functional and not become storage rooms. The Board suggested that the condo rules incorporate language to this effect.

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

The Board discussed the shape of the proposed tower and was pleased with the tall, slender tower proportions under consideration. They noted to avoid the tendency to make the design overly fussy, but rather keep the design simple. Of the three massing alternatives, the Board agreed that Option 3 is preferred in terms of addressing glazing opportunities on the north and south elevations.

- B-3 Reinforce the positive urban form & architectural attributes of the immediate area. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.**

Belltown-specific supplemental guidance: (a) Respond to the regulating lines and rhythms of adjacent buildings that also support a street-level environment; regulating lines and rhythms include vertical and horizontal patterns as expressed by cornice lines, belt lines, doors, windows, structural bays and modulation; (b) Use regulating lines to promote contextual harmony, solidify the relationship between new and old buildings, and lead the eye down the street; and (c) Pay attention to excellent fenestration patterns and detailing in the vicinity. The use of recessed windows that create shadow lines, and suggest solidity, is encouraged.

- 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 emphasized that the tower design needs to be well integrated into the design of the podium base. The measures used to screen the above grade parking levels are a critical component of this integration. The Board noted that the proposed frame elements may not be necessary and risk becoming overly busy.

At the Recommendation meeting, the Board agreed that the tower form and base were well integrated with the building proportions. The base and top are unified with a vertical copper colored band made of trespá material that runs from the base to the top to form a shepherd's hook-like shape. The Board encouraged that the shape of the hook be further refined to avoid unnecessarily cutting off the tower with the horizontal band at the top. They would prefer to see a more graceful extension of the façade without the horizontal hook piece or at a minimum, reduce the scale of this hook to have a more secondary presence and mimic more of the other horizontal treatments found elsewhere on the building. The Board also recommended that the color of the trespá used for the shepherd's hook be further examined and lean more to the rust and red tones, rather than gold color.

The Board recommended the following conditions:

- 1. The horizontal portion of the shepherd's hook element should be eliminated or reduced in scale.***
- 2. The color of the trespá materials should be further explored.***

The Board appreciated the high quality material palette that includes trespá, glass, concrete and metal and green walls.

C. The Streetscape

- 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, and open to the public.

Belltown-specific supplemental guidance: Sidewalks should (a) reinforce existing retail concentrations; (b) Vary in size, width, and depth of commercial spaces, accommodating for smaller businesses, where feasible; (c) Incorporate the following elements the adjacent public realm and in open spaces around the building: unique hardscapes, pedestrian-scale sidewalk lighting, accent paving, seating, water features, art and landscape elements; and (d) Building corners are places of convergence.

The Board applauded the proposed substantial amount of retail and wide sidewalks shown at the entrance and located at the street frontage. The Board noted that this guideline and the details of the pedestrian level will be critical considerations in future reviews. The Board also cautioned against excessive building scale in the podium portion; rather the building forms should be simple. See also D-3 and E-2.

At the Recommendation meeting, the Board was pleased with the linear landscape design along the sidewalk right-of-way that includes low plantings, under the existing tree canopy and reclaimed timber beams for seating. The Board agreed that there was a nice sense of movement at the base and tower that layers the types of activity.

The residential entry way is dramatized by the floor to ceiling transparent glass entry defined by the channel glass to the south and circular column and a raised landscaping bed against the building to the north.

- C-3 Provide Active, Not Blank Facades.** Buildings should not have large blank walls facing the street, especially near sidewalk.

The Board was pleased with the proposed efforts to minimize blank walls along the north and south facades and encouraged further development of this objective.

At the Final Recommendation meeting, no blank walls were proposed at street level. The walls of the north and south elevations have been angled to allow fenestration and the lower levels include green walls systems.

The Board was very appreciative of the operable windows shown at the sidewalk level retail space that will allow opportunities for spillover activity from the retail use to the pedestrian realm.

- C-4 Reinforce Building Entries.** To promote pedestrian comfort, safety and orientation, reinforce the building's entry.

The Board noted a desire for continuous overhead weather protection along the street facing facade.

At the Recommendation meeting, the Board was pleased to see that continuous overhead weather protection was included. The departure to have the canopies installed at a higher point at the residential entry is balanced by their deeper dimensions, providing suitable pedestrian protection from the elements. The Board liked having the differing heights of the canopies, but noted that the canopies themselves could be lighter in design with greater transparency, thinner steel frames that reflect the design of the scrim feature above.

The Board recommended the following condition:

3. The canopy design should be lighter with greater transparency and lines to reflect the scrim feature above.

C-6 Develop the alley facade. 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 was very supportive that all service functions are proposed from the alley. The Board noted that the alley façade will be quite visible and great care should be taken to further develop this elevation, especially given the tower separation rules and likelihood that the east elevation will continue to be visible from the surrounding area.

See E-2.

D. Public Amenities

D-1 Provide Inviting and 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 principle area of the open space should be especially emphasized.

Belltown-specific supplemental guidance: Open spaces can feature art work, street furniture, and landscaping that invites customers or enhances the building's setting. Examples of desirable features to include are: attractive pavers, pedestrian-scaled site lighting, retail spaces designed for uses that will comfortably "spill out" and enliven the open space, areas for vendors in commercial areas, landscaping that enhances the space and architecture, pedestrian-scaled signage that identifies uses and shops; and site furniture, art work, or amenities such as fountains, seating, and kiosks. Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. In addition, the following should be considered: courtyards that organize architectural elements while providing a common garden, entry enhancements such as landscaping along a common pathway, decks, balconies and upper level terraces, play areas for children, individual gardens; and location of outdoor spaces to take advantage of sunlight and views.

The Board encouraged the landscape design to allow for and enhance the pedestrian experience of those standing in lines associated with the next door Cinerama theatre.

At the Recommendation meeting, the Board noted that the base design references the horizontal datum line of the Cinerama theatre. The Board was appreciative of the significant recreation and open spaces available to building tenants both on the roof deck and at the seventh floor including a fitness center, wine room, an interior common room and exterior lounge area, a dog patch, bar and landscaping.

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

Belltown-specific supplemental guidance: Mixed-use developments are encouraged to provide useable open space adjacent to retail space, such as an outdoor café or restaurant seating, or a plaza with seating. Residential buildings should be sited to maximize opportunities for creating useable, attractive, well-integrated open space.

The Board was pleased with the streetscape concepts presented at this meeting and supported the more linear designs.

At the Recommendation meeting, the Board was supportive of the proposed streetscape design.

The Board was also pleased with the well considered and well programmed roof deck that includes an outdoor movie screen, fire place, accent pavers, outdoor kitchen and bar, grills, furniture, landscaping, and overhead arbors. Both gathering spaces and more intimate areas are provided in the roof deck program. All of these features include lighting geared towards creating a comfortable and safe outdoor recreational area.

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

Belltown-specific supplemental guidance: Art and History are vital to reinforcing a sense of place. Consider incorporating the following into the siting and design:(a) vestiges of Belltown Heritage, such as preserving existing stone sidewalks, curbs;(b) art that relates to the established or emerging theme of that area; and (c) install plaques or other features on the building that pay tribute to Belltown history. Green Streets are street rights-of-way that are enhanced for pedestrian circulation and activity with a variety of pedestrian-oriented features, such as sidewalk widening, landscaping, artwork, and traffic calming. Interesting street level uses and pedestrian amenities enliven the Green Street and lend special identity to the surrounding area.

The Board was pleased with the conceptual streetscape improvements studies and encouraged the streetscape design to allow opportunities for the retail use to spill over onto the sidewalk, create a wider sidewalk than shown (to take advantage of the western solar

exposure), include street furniture and potentially create discreet separate area for pedestrian interaction. Of the six streetscape studies presented, the Board felt that the curvy lines were too distracting and preferred the more linear designs. Also, there are two existing street trees and some discussion of whether to add a third tree in front of the proposed residential entrance. The Board feels that the either a tree or piece of artwork to signify and reinforce the entry point is desirable. The Board was pleased with the early concepts for the proposed amenity spaces – both interior and exterior.

At the Recommendation meeting, the Board was pleased with the proposed green wall systems proposed at the lower levels of the north and south façades. The system includes a drip irrigation mechanism and integral LED lights in random patterns.

The Board recommended the following condition:

4. The green wall systems should be irrigated and maintained for the life of the project.

E. Vehicular Access & Parking
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E-2 Integrate parking facilities. Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.

At the EDG, the Board discussed the proposed above grade parking levels and how this use can be most effectively screened through the building's architecture. Four alternative screening methods were presented including a metal or stone scrim element that is layered in front of the above grade parking levels, a channeled glass applied in a similar fashion as the scrim elements, art glass using glass material with embedded patterns or designs to screen the parking use or colored glass to achieve the same purpose. Several versions of the screen element itself were also considered including a simple stone frame element in-filled with the above described glass, a solid metal panel with a random pattern of different shaped cut outs, filled with the a glass material or metal panels applied with open joints and exposed supports, also in filled with glass material. All three of these options could be shifted to one side or the other of the podium façade.

The Board applauded the studies of various design approaches to minimize the presence of parking along these facades. The Board felt the first screen option was too stiff and they expressed a preference for the second and third alternatives. There was concern with the placement and dimensions of the screen element with relation to the above grade parking. Dividing the screen directly in half appears awkward. The Board stressed that the screen should both reinforce the residential entry with a strong vertical announcement and relate to the mass at the building top to help integrate this element into the overall building architecture. The Board warned against drawing too much attention away from the tower and towards the screening of the above grade

parking uses. As shown, there is too stark of a contrast between the tower and the screening element.

The Board encourages further exploration of the materials and screening design and noted that consideration of how the screening appears both during the day and night is important, especially as it relates to the overall building design.

At the Recommendation meeting, the Board discussed the scrim feature designed to screen the above grade parking levels. The scrim is held off the street facing façade by approximately 30 inches and is composed of a green colored glass system that is treated with a translucent finish. The scrim is supported by a steel scrim support system that is painted with a charcoal finish. Behind this scrim is channel glass with a painted translucent finish. The scrim design includes three rectangular cut out sections where the channel glass is clearly visible and the vertical copper colored tresspa “shepherd’s hook” feature than runs down the west facade. This same treatment is also shown on the alley façade for the above grade parking levels.

The Board also noted the inclusion of work studio spaces to buffer the parking use from view. The Board recommended that the lighting of the scrim element take a back seat to the lighting of the work studio spaces, so that the parking screening is more subtle and attention is drawn to the more active use.

The Board recommended the following conditions:

- 5. A declaration that the work studios remain active (and not storage) spaces for the life of the project.***

The lighting of the scrim should be more subtle to allow the work studio lights to be more prominent.

- E-3 Minimize the Presence of Service Areas. Locate service areas for trash dumpsters, loading docks, mechanical equipment and the like away from the street where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.**

The Board was very pleased that the access has been proposed from the alley. The Board reiterated that accommodating the dumpsters within the buildings is strongly encouraged, so as to leave the alley less constrained. See also C-6.

Design Review Departure Analysis

At the Recommendation meeting, four departures from the Code were proposed.

STANDARD	REQUIREMENT	REQUEST	ARCHITECT'S RATIONALE & BOARD RECOMMENDATION
TOWER WIDTH SMC 23.49.058. D2	Above 85', the max tower width is 96'. Exception, tower width up to 120' allowed if no more than 50% of the area within 15' of street property line is occupied by the tower.	Tower width of 100' (78.5%) of the area within 15' of street property line.	Allows for more modulated expression to reduce perceived sense of tower massing and scale. The Board voted unanimously 4-0 in favor of the requested departure.
STRUCTURAL BUILDING OVERHANG SMC 23.54.035	Width of bay window over property line allowed to project up to 9' with 45-degree angles for max of 3' depth.	Increase bay window length and angle shape for two types of bay projections. Scrim feature extends 3' from façade.	The shapes and dimensions of the proposed bay windows allows for a better architectural solution to the code-prescribed design, while also maintaining a less evident projection and less square footage in the ROW. The Board voted unanimously 4-0 in favor of the requested departure.
OVERHEAD WEATHER PROTECTION SMC 23.49.018.B	Lower edge can be a max of 15' above sidewalk level.	Proposed at height of 18' above the residential lobby.	The differing canopy heights give emphasis to the main building entrance and the canopy depths have been increased by two feet to provide adequate overhead weather protection coverage. The Board voted unanimously 4-0 in favor of the requested departure.
PARKING AISLE SMC 23.54.030.e2	Minimum aisle widths shall be served by largest vehicles served = 22'	Minimum aisle widths range from 20' to 20'-10"	The existing site dimensions and structural requirements for the building core cannot accommodate the drive aisle dimensions on all four sides to accommodate the largest size vehicle. The Board voted unanimously 4-0 in favor of the requested departure provided that the aisles abutting medium and large stalls meet the minimum width for these stall sizes.

The Board recommended approval of the proposed departure with the following conditions:

1. The horizontal portion of the shepherd's hook element should be eliminated or reduced in scale.
2. The color of the trespass materials should be further explored.
3. The canopy design should be lighter with greater transparency and lines to reflect the scrim feature above.
4. The green wall systems should be irrigated and maintained for the life of the project.
5. A declaration that the work studios remain active (and not storage) spaces for the life of the project.

6. The lighting of the scrim should be more subtle to allow the work studio lights to be more prominent.

The Board, therefore, unanimously recommended approval of the design as shown, including the requested departures.

SUMMARY OF BOARD'S FINDINGS AND RECOMMENDATIONS

At their final meeting on December 16, 2008, 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 four Design Review Board members in attendance recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design. The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the Final Recommendation public meeting and the subsequent updated plans submitted to DPD.

1. The horizontal portion of the shepherd's hook element should be eliminated or reduced in scale.
2. The color of the trespass materials should be further explored.
3. The canopy design should be lighter with greater transparency and lines to reflect the scrim feature above.
4. The green wall systems should be irrigated and maintained for the life of the project.
5. A declaration that the work studios remain active (and not storage) spaces for the life of the project.
6. The lighting of the scrim should be more subtle to allow the work studio lights to be more prominent.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project will have a strong presence along Fourth Avenue and within the Belltown community, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote interesting design.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to

the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

Four members of the Downtown Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. 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 well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Downtown. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board, as well as the additional condition listed above.

Director's Decision

The Director finds that the conditions of approval on the design recommended by the Board are warranted. In developing their guidance for the project, the Board prioritized guidelines aimed at further refining and developing an active and vibrant street level design.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, 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 four 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*". The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. 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 is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes proposal in January 2005. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in several downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the new DMC 240’/290’-400’ zoning district and the environmental impacts of a height increase to 400 feet at the project site were adequately evaluated as part of the non-project FEIS. DPD determined that for SEPA compliance associated with the subject site, it is appropriate to adopt the Downtown EIS and prepare an EIS Addendum to add more detailed, project-specific information. DPD determined that the EIS Addendum should address the following areas of environmental impact:

- Land Use
- Air Quality: Greenhouse Gas Emissions and Wind
- Environmental Health
- Aesthetics/Viewshed
- Light, Glare and Shadows
- Historic and Cultural Preservation
- Transportation/Parking
- 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 December 16, 2010. 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.

A. Long Term Impacts Identified in the Downtown EIS

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

The Downtown EIS included an analysis of how the code changes were consistent with land use policies based on impacts disclosed in the Downtown EIS. The Addendum analyzed applicable neighborhood plans and development standards in the land use code and the zoning for the site and the surrounding area. The codes addressed in the Downtown EIS create incentives to encourage density that can be accommodated in taller, more slender buildings. The design review process conducted in conjunction with the proposed development is intended to mitigate the land use impacts for height, bulk and scale. The architecture and urban design features of the proposed structure are described in the aforementioned Design Review portion of this report and are summarized in the Addendum. Therefore, 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.

Air Quality: Wind

The Downtown Height and Density Changes EIS notes that tall buildings can notably affect the wind environment for pedestrians and that the Preferred Alternative in the EIS would permit buildings of greater height. However, the EIS also notes that ground level wind effects usually can be controlled by design features that deflect the winds near the base of the building, and that including such design features is an effective design strategy.

The purpose of the wind analysis completed for this project was to determine possible wind-related impacts of the proposed development relative to the comfort and safety of pedestrians using open spaces on or adjacent to the project site. Rowan, Williams, Davies & Irwin, Inc. (RWDI) prepared a report, dated September 26, 2008, that analyzed effects of wind around the project site.

The principal finding and results of the pedestrian wind assessment were summarized in the report as follows:

- The existing wind comfort conditions along 4th Avenue are generally expected to be suitable for standing throughout the year. Slightly calmer wind conditions, conducive to sitting, are expected in the alley during the summer.
- The addition of the proposed tower will slightly increase the wind speeds along 4th Avenue. Wind conditions are generally expected to be suitable for standing in the summer and walking in the winter.
- Wind conditions on the Level 7 terraces are expected to be suitable for standing throughout the year. Higher wind speeds are expected on the roof top terrace, due to exposure. Wind mitigation measures were suggested for these areas, including wind screens, trellis, landscaping or taller parapets.

As recommended by RWDI, wind control features such as landscaping, wind screening and canopies have been incorporated at the terrace levels. No significant adverse wind impacts will occur at the sidewalk level identified in the SEPA policy. Accordingly, no mitigation is necessary.

Air Quality: Greenhouse Gases

The number of vehicular trips associated with the project construction is expected to increase from the amount currently generated by the various sites and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Accordingly, no mitigation is necessary.

Environmental Health

Phase I and II Environmental Site Assessments were completed for the project site. The analyses concluded that the site has not been significantly affected by hazardous materials. Care should be taken during excavation to identify and segregate potentially contaminated soils for proper treatment and disposal. Such mitigation shall be required during construction. No further mitigation is necessary.

Aesthetics: Urban Design

The new residential tower would be located on Fourth Ave., between Blanchard and Lenora Streets. The majority of the buildings surrounding the project site are mainly low-to-mid-rise structures, except for a 24-story office building immediately west of the project site, on the Westside of Fourth Ave. As noted with regard in the *Land Use* section of this EIS Addendum, a commercial surface parking lot that is located in the southeast corner of the block (Fifth Ave. and Lenora St.) has been approved for redevelopment involving a 24-story condominium complex. The strong rectilinear lines and forms of nearby buildings dominate the visual character of this area; colors are predominantly beiges, browns and brick reds, and building materials consist of steel, concrete, brick, glass and wood. As noted previously, under the new zoning regulations, this area is zoned

DMC; residential and commercial structures within this area are subject to a 400-foot height limit (height is also indirectly regulated by Floor Area Ratio). The DMC zone would continue to serve as a transition area relative to the office core, office expansion areas and retail core. Besides the *Proposed Action*, three other high-rise buildings are either proposed or under construction in the vicinity of the project site.

As noted earlier in this EIS Addendum, the project is subject to the City's design review process. The Downtown Design Review Board has reviewed the project and recommended approval of the design, including the granting of four design code departures. The *Proposed Action* would be comparable in height, bulk and scale to new buildings that are planned or under construction in the general vicinity of the site. Accordingly, no mitigation is necessary.

Aesthetics: Viewshed

SMC 25.05.675.P requires that the Director assess the extent of adverse impacts on public views and the need for mitigation. The Addendum provides an analysis of view impacts to designated parks, landmarks, public places, skyline views and scenic routes as a result of the proposed development. The proposed structure is not anticipated to significantly impact views of the mountains, downtown skyline or major bodies of water from designated public places, including Four Columns Park, the closest viewpoint that could potentially be affected.

The proposed building is also not anticipated to block public views of identified historic landmarks from designated locations. There is one historic building proximate to the project site – the Cinerama Theater – which is located immediately south of the project site. The proposed development would not affect public views of the Cinerama Theater.

Finally, the proposed structure is not anticipated to significantly impact views of the Space Needle from the Viaduct, Interstate 5, the downtown skyline or other designated viewpoint location. While not physically located in the Downtown area, the most visible landmark from many parts of the City is the Space Needle, which is located approximately 0.6 miles northwest of the project site. The City has identified ten viewpoints in which views of the Space Needle are to be protected. The designated view corridor that is closest to the project site is that from Volunteer Park on Capitol Hill. The Volunteer Park Space Needle view corridor is over one-half mile northeast of the site of the proposed development and would not be affected by the *Proposed Action*. The proposed project, therefore, would not affect views of the Space Needle from any of the City's designated locations. The proposed action would affect cross-site views from residential dwellings and office buildings located proximate to the subject site. However, private views are not protected by City regulations.

Shadows

SMC 25.05.675.Q requires that the Director assess the extent of adverse impacts of shadows on designated downtown open spaces and the need for mitigation. The analysis of sunlight blockage and shadow impacts is limited in the downtown and mitigation may only be required for Freeway, Westlake, Market (Steinbrueck), Convention Center and Kobe Terrace parks. Due to the increased building heights contemplated in the Downtown EIS, shadows will increase; however, additional

shadowing of any of these downtown parks is not expected to change significantly. The EIS Addendum includes a shadow analysis for of the proposed development. None of the downtown parks identified in the SEPA policy would be shaded by the proposed development.

No shadowing impacts will occur on any of the public open spaces identified in the SEPA policy, including the closest ones at Regrade, Denny or Steinbrueck Parks. Accordingly, no mitigation is necessary.

Historic and Cultural Preservation

The existing building on the site is over 25 years old and meets the age criterion for consideration as a City Landmark. However, the City's *Historic Resources Survey and Inventory* (2007) has designated the structure as a Category 4 building, which means that it does not qualify as a Landmark due to a loss of historic integrity attributed to significant alterations.

There is one building on the block -- the Cinerama Theater -- which is immediately south of the project site that meets the criteria for designation as a City Landmark and qualifies for inclusion in the National Register of Historic Places, according to the City of Seattle *Historic Resources Survey and Inventory*, 2007. However, the Seattle Landmarks Preservation Board voted against nominating the building as a City Landmark in 2008.

The façade of the proposed project has been designed to be sensitive to the adjacent Cinerama Theater and to be compatible with other surrounding development. No significant unavoidable adverse impacts regarding historic resources are anticipated.

Transportation

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

A Traffic Impact Study, completed by The Transpo Group dated July 2010 and referenced in the Addendum found that the proposed project is estimated to generate approximately 83 trips during the AM peak hour and 96 trips during the weekday PM peak hour. The study examined 19 intersections in the project vicinity and found that during both the weekday AM and PM peak hours, all of the signalized study intersections are anticipated to operate at the same Level of Service (LOS) currently experienced. The traffic study contemplates 20 planned development projects in the vicinity that have been identified in the development pipeline and have been taken into account in the forecasted traffic growth figures.

The proposed development will provide parking for 329 vehicles, all of which are accessed from the alley. No parking for residential uses is required downtown. Based on current market studies in downtown Seattle, peak parking demand for urban downtown apartments is estimated at 0.7 to 0.8 stalls per unit. The proposed project is providing approximately 1.1 stalls per unit. Peak

parking demand for the project would total 310 stalls and would be able to be accommodated with the structure. No parking currently exists on the site. Therefore, it is anticipated that the proposed parking supply will adequately accommodate the projected parking demands.

B. Additional Impacts Not Identified in the Downtown EIS

SMC 25.05.600.D 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. The area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600.D3, 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.

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.

Construction

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

The 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.

Noise

The Addendum includes a series of measures to mitigate noise, vibration air quality and traffic impacts associated with work in the downtown area. These include limiting hours of most

construction work to between 7:00 am and 6:00 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 on weekdays. Other mitigation measures include reducing or limiting vibrations, using sound barriers and other methods to reduce impacts on adjacent structures, developing truck haul routes and processing certain materials off-site. 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 and covered walkways if needed.

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. In order to preserve the existing level of services and functions that occur along the alley, the following mitigation goal shall be included in the Construction Management Plan, as well as measures to meet this objective:

1. The alley shall be kept clear of construction parking, storage, debris or other non-essential construction related activity, other than normal circulation and delivery activities typically associated with alley functions. The Plan shall detail those limited circumstances when it is essential for the alley is to be used for construction activities, and shall provide for advance notice to adjoining properties when such activities are to occur.

Air Quality

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. As proposed, the architectural features and details presented at the Final Design Review meeting shall remain along with the revisions recommended by the Design Review Board.
2. 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.

Prior to Final C of O

3. 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.

Prior to Building Permit Issuance

4. Embed all of the conditions listed at the end of this decision in the building permit drawings.
5. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

CONDITIONS - SEPA

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

6. 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 project shall also include all mitigating measures for construction related impacts identified in the Addendum. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project. The Plan shall also include the following statement (and provide implementation measures to ensure its compliance): "The alley shall be kept clear of construction parking, storage, debris or other non-essential construction related activity, other than normal circulation and delivery activities typically associated with alley functions." The Plan shall detail those limited circumstances when it is essential for the alley is to be used for construction activities, and shall provide for advance notice to adjoining properties when such activities are to occur.

Prior to Issuance of Building Permit

7. Project #3009145 shall contain bonus residential floor area pursuant to SMC 23.49.015. Prior to issuance of the MUP, the applicant shall enter into a voluntary agreement to mitigate impacts of the bonus development. Such agreement may be in the form of a letter, subject to approval by the Seattle Office of Housing. The letter will describe how affordable housing impacts associated with the bonus will be mitigated: performance option, payment option, or combination; and payment calculation and date (see .015 B.1.b and .015 C); or performance housing details: floor area calculation (see .015 B.1.a and .015 D), ownership, location, income & affordability, amount & terms of any financial contribution by applicant to the affordable housing owner, date when final Certificate of Occupancy for the low-income

housing was or is anticipated to be issued, and calculation of initial and annual monitoring fees (.015 B.6) and estimated date of initial year of compliance. The declaration will need to be recorded prior to issuance of the building permit for construction beyond excavation and shoring issued.

8. The horizontal portion of the shepherd's hook element should be eliminated or reduced in scale.
9. The color of the trespass materials should be further explored towards a more rust and red tone, rather than gold color.
10. The canopy design should be lighter with greater transparency and lines to reflect the scrim feature above.
11. The green wall systems should be irrigated and maintained for the life of the project.
12. A declaration that the work studios remain active (and not storage) spaces for the life of the project.
13. The lighting of the scrim should be more subtle to allow the work studio lights to be more prominent.

During Construction

14. The project shall implement all mitigating measures for construction related impacts identified in the EIS Addendum and contained in the Construction Management Plan.
15. Care should be taken during excavation to identify and segregate potentially contaminated soils for proper treatment and disposal.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) 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.**

Signature: _____ (signature on file) Date: May 5, 2011

Lisa Rutzick, Land Use Planner
Department of Planning and Development
Land Use Division

LR:bg