



**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Record Number: 3034241-LU
Applicant: Jodi Patterson O'Hare
Address of Proposal: 800 Stewart St

SUMMARY OF PROPOSAL

Land Use Application to allow a 53-story, 569-unit apartment building with office and retail. Parking for 100 vehicles proposed. Existing building to be demolished. Early Design Guidance conducted under 3034006-EG.

The following approvals are required:

- I. Design Review with Departures (SMC Chapter 23.41)***
**Any departures are listed near the end of the Design Review Analysis section of this decision.*
- II. SEPA Environmental Determination (SMC Chapter 25.05)**

SEPA DETERMINATION

- ☒ Mitigated Determination of Nonsignificance (MDNS)
 - ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
 - ☐ No mitigating conditions of approval are imposed.
- ☐ Determination of Significance (DS) – Environmental Impact Statement (EIS)
- ☐ Determination made under prior action.
- ☐ Exempt

SITE AND VICINITY

Site Description: The subject site is 13,555 square feet (sq. ft.), rectangular in shape and contains a 9' grade change from east to west. Approximately 23% of the site is covered by tree canopy.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

Site Zone: Downtown Office Core 2 500/300-550 (DOC2 500/300-550)

Zoning Pattern: (North) DOC2 500/300-550
(South) DOC2 500/300-550
(East) DOC2 500/300-550
(West) DOC2 500/300-550

Environmentally Critical Areas: There are no mapped environmentally critical areas located on the subject site.

Current and Surrounding Development; Neighborhood Character; Access: The site is currently developed with a 6-story office building constructed in 1978 and a parking lot.

The site is located on the north corner at the intersection of Stewart St and 8th Ave in the Downtown Urban Center and Denny Triangle neighborhood. The vicinity includes commercial, residential, hospitality, and institutional uses which bridge the retail core to the rapidly developing South Lake Union. Structures are primarily highrise. The neighborhood is characterized by flat glassy facades, grid window patterns, established street trees, and boxy forms. The ground level is distinguished by one-story podiums with strong datum lines and consistent overhead weather protection.

The buildings adjacent to this site are 1918 8th Ave to the northwest, 818 Stewart to the northeast, Hyatt Regency Seattle hotel use to the southeast, Stewart Court Apartments residential use to the south, and the US District Court institutional use to the southwest. Multiple projects in the vicinity are currently under review or under construction for proposed development, including 824 Howell St (#3022135-LU), 802 Pine St (#3024239-LU), the Washington State Convention Center expansion at 1600 9th Ave (#3020176-LU). I-5 is located two blocks to the east.

Vehicular access is proposed from the alley. Pedestrian access is proposed from Stewart St to the southeast and 8th Ave to the southwest.

PUBLIC COMMENT

The public comment period ended on February 12, 2020. In addition to the comments received through the design review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to glare, density, air quality, possibility of contaminated soil or groundwater, and off-street parking quantity. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

I. ANALYSIS – DESIGN REVIEW

The design review packets include information presented at the meetings and to Staff are available online by entering the record numbers at this website:

<http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

The meeting reports and any recordings of the Design Review Board meetings are available in the project file. The meeting reports summarize the meetings and are not transcripts.

I. ANALYSIS – DESIGN REVIEW

FIRST EARLY DESIGN GUIDANCE August 27, 2019

PUBLIC COMMENT

No public comments were offered at this meeting.

The following design related comments were received in writing prior to the meeting:

- Concerned that insufficient capacity for loading and solid waste collection would adversely affect pedestrians.

SDOT offered the following comments:

- Supported consolidating all loading, vehicle access, and solid waste collection to occur from the alley.
- Stated the design of the loading area, including ingress/egress from the alley, can accommodate a standard delivery truck without partially blocking the alley.
- Supported providing solid waste staging on site and eliminating the need to stage dumpsters in the alley.
- Requested demonstrating that the bulb on 8th Ave will retain the ability for a 40' coach to turn right from Stewart St. onto 8th Ave.
- Noted the bicycle master plan recommends a protected bicycle lane on Stewart St.

SDCI received non-design related comments regarding traffic, off-street parking and construction impacts.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

1. Three Schemes:

- a. The Board supported the applicant's preferred scheme ("03 Refract"), agreeing that it had the most potential to appropriately respond to context and enhance the skyline. (B-1, A-2)
- b. The Board found the generative idea behind this scheme ("Vortex Shedding", in response to wind loads) to be compelling but agreed that the design concept was only partially expressed in the form and that it would require further development. (B-1, A-2)

2. Design Concept:

- a. The Board agreed that the “Refract” design concept had great potential but that it was only perceptible on the west elevation. The other facades appear conventionally flat and require more development to enhance the skyline and create a unified and well-proportioned design. (A-2, A-1, B-4)
- b. The Board agreed that there were many approaches to strengthening this design concept that could be successful, and asked the design team to specifically demonstrate responses to the following possibilities at the next EDG meeting:
 - a. Exploration of the location and size of tower chamfers and folds to increase their visual impact. (A-2, B-1)
 - b. Exploration of how the Refract concept could be better integrated with the base, ideally strengthening the expression of both. (B-4, A-1)
 - c. The Board agreed that punched openings near the top of the tower were an intriguing design component and asked the applicant to explore further options in their configuration and expression that would strengthen the design concept. (B-4, A-2)
 - d. Exploration of a variety of options for the roof, both as a mechanism for strengthening the design concept and as part of a well-proportioned and unified building design. The Board agreed that using the roof form to strengthen the design concept could be particularly important for the relatively weaker elevations. (A-2, B-4)
 - e. Exploration of the articulation, distribution and pattern of the operating windows. (B-2, B-4)
- c. The Board noted that the glass selection (type, color, reflectivity) would be a critical element in the success of the design and encouraged the design team to carefully consider this choice and be prepared to demonstrate its efficacy at the Recommendation phase. (C-2, B-4)
- d. The Board supported the incorporation of operating units in the glazing system, recognizing the value their different character and distinct shadow lines could have in providing texture to the facade. The Board also supported the way these operating units would create a distinct expression for the areas of residential programming. (A-1, B-2, B-1)
- e. Given those residentially programmed areas, the Board noted the impact interior lighting will have on the building’s night-time appearance and asked the design team to carefully consider and demonstrate a design response to this issue as the design develops. (B-4)

3. Ground Plane and Pedestrian Experience:

- a. The Board agreed that the base expression appeared unresolved and disconnected from the larger design concept and would require further development, with consideration for how this is resolved at the alley. (D-3, C-1, C-2)
- b. The Board noted how the dynamic tower massing in many of the precedents were carried completely down to grade and asked the design team to explore a similar option, ideally with the folds and chamfers from above identifying important programmatic elements at street level. (B-3, B-4)
- c. The Board noted that the entrances and lobbies for the project were difficult to recognize and provided guidance to strengthen their expression. (B-4, C-4, C-1)

- d. The Board supported the applicant's intent to express the overhead weather protection as a lighter element that is clearly a secondary element in the design concept. (B-4, C-1)
- e. The Board noted with appreciation the precedents shown on p. 46, particularly the clear expression of the entries through large interior and exterior volumes at street level. The Board agreed that a similar solution could be appropriate to identify and strengthen the project's entrances. (C-4).
- f. The Board strongly supported the proposed work on the pedestrian thoroughfare, agreeing that it would be of great benefit to all three adjacent buildings, and would expect to see a response in this project to that improved condition. (C-1, D-6)

FINAL EARLY DESIGN GUIDANCE November 5, 2019

PUBLIC COMMENT

No public comments were received in writing or offered at this meeting.

SDCI received non-design related comments regarding traffic, off-street parking, solid waste storage and loading standards and construction impacts.

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All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

1. Massing Scheme:

- a. The Board continued to support the applicant's preferred scheme agreeing that it had the most potential to appropriately respond to context and enhance the skyline. (B-1, A-2)

2. Design Concept:

- a. The Board agreed that the "Refract" design concept had evolved positively since the first EDG meeting and provided guidance to explore further enhancements that would strengthen its expression. (A-2, A-1. B-4)
- b. The Board agreed that this strengthening could occur in a number of ways and asked the design team to specifically explore the following possibilities:
 - i. Establishing a baseline exterior expression for the pure rectangular form of the tower with a distinctly different expression for the refracted elements. (A-2, B-1)
 - ii. Exploration of the use of color to highlight and strengthen the expression of the two punched openings at the top of the tower. Ideally this development would be tied to that of the proposed programmable strip LED lighting. (B-4, A-1)

3. The Tower:

- a. The Board agreed that the top of the tower did not yet seem to be tied to the overall design concept and directed the design team to explore further options in the articulation of the canopy, the parapet condition and the mechanical screening. (B-4)
- b. The Board agreed that a more deliberate articulation of these elements would be required to create a unified architectural expression. (B-4)

4. Ground Plane and Pedestrian Experience:

- a. The Board agreed that the programming and expression of building entries would require further exploration. In particular the Board requested further study of the corner and the regular, rectangular entry recesses relative to the refracted geometry of the tower above. (D-3, C-1, C-2)
 - a. The Board provided additional guidance that the arrangement and expression of the overhead weather protection should also be included in this exploration and that the result should be a unified and coherent expression at the pedestrian level. (B-4, C-4, C-1)
- b. The Board supported the deployment of the precast concrete panels at the north property line and directed the applicant to explore the possibility of the treatment returning at the alley. (B-3, B-4)
- c. The Board encouraged the applicant to continue their effort to make common cause with adjacent building owners in developing the intervening open space, as a safe and attractive pedestrian environment in this area would be of great benefit to all in the neighborhood. (C-1, D-6)

FIRST RECOMMENDATION: ADMINISTRATIVE* DESIGN REVIEW September 22, 2020

*On April 27, 2020, the Seattle City Council passed emergency legislation [Council Bill 119769](#) which allows projects subject to full design review to opt into Administrative Design Review temporarily. As one of the projects impacted by Design Review Board meeting cancellations, this project has elected to make this change.

PUBLIC COMMENT

SDCI staff received the following design related public comments:

- Concerned about the impact on daylight and views for neighbors.
- Concerned about LED lighting scheme impacts on neighbors.
- Noted the importance of high-quality design for the 'other' (non street-facing) facades.
- Requested shorter, fatter building.
- Requested more active street edge uses.

SDCI received non-design related comments regarding parking quantity, and construction impacts.

One purpose of the design review process is for the City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, SDCI Staff provided the following recommendations.

- 1. Massing and Design Concept:** Staff has considered public comment regarding tower form and impacts on light and air to neighboring buildings and the importance of care in the design of the non-street facing facades.
 - a. Staff note the Board's earlier support for the preferred massing scheme and refracted planes design concept and agrees that it has the most potential to appropriately respond to context and enhance the skyline. Staff concurs with this earlier guidance and notes that the legibility of the refracted planes is critical to the viability of the design concept that was supported by the Board. (B-1, A-2)
 - b. At previous EDG meetings the Board provided guidance to explore further enhancements to strengthen the expression of this design concept, particularly on the secondary elevations, including the development of an expression for the refracted elements that is distinctly different from that of the pure rectangular form of the tower. (A-2, A-1, B-1, B-4)
 - c. In previous correction letters and meetings with the design team, Staff noted the demonstrable unreliability of architectural renderings in accurately depicting the appearance of refracted glass planes (1920 Terry Ave./ 3019542-LU), and stressed the importance of providing additional information (with materials samples, mathematics and precedent) in support of the accuracy of the renderings. After review of the material samples, the size and disposition of the proposed chamfers and in view of the illegibility of this strategy in the aforementioned precedent, Staff is not convinced that this combination of elements will result in the clear legibility of these massing moves that are critical to the viability of the design concept supported by the Board and Staff.
 - d. Echoing public comment regarding the design of the secondary facades and the above concerns regarding the legibility of the refracted planes, Staff recommends a condition to increase the legibility of the refracted planes by increasing their size: by 15-percent at Facet I and by 30-percent at Facet II and Facet III. (Staff note: To ensure performance, Structural engineers employ a factor of safety for every element specified in a structural design.) This condition is recommended in response to the importance of the legibility of these refracted planes to the design concept that has been supported by the Board and Staff throughout the review process. (A-2, A-1, B-1, B-4, C-2)
- 2. Building Top:**
 - a. Staff agrees that the further and more deliberate articulation of the canopy, the parapet condition and the mechanical screening in the current design better connects this area to the overall design concept in response to the Boards guidance and recommends approval of this aspect of the design. (B- 4)
- 3. Lighting:** Staff has considered public comment related to the tower lighting scheme and potential impacts on neighbors.
 - a. Staff concurs with the Board's earlier support for the LED accent lighting proposed for the tower facades, agreeing that it has the potential to accentuate modulation and strengthen the design concept. (A-2, B-2, B-4, C-2)

- b. With consideration of public comment Staff recommends a condition to provide complete details and specifications for these fixtures and their installation and studies demonstrating minimal negative glare impacts on nearby residents. (A-1, D-5.1)
- c. Staff notes that the fixtures employed as accent lighting on the rectangular facades appear to be identical to those that mark the edges of the refracted planes. Because their role in the design concept (accentuating modulation and adding granularity to a large field v. marking a change in plane) and pattern of location (regular murmuration v. linear singularity) are so different, Staff recommends a condition to create distinction in the appearance of the light generated by the fixtures employed vertically in a pattern on the tower facades and that of the angled linear installations marking the edges of the refracted planes. (A-2, B-2, B-4, C-2)

4. Ground Plane and Pedestrian Experience:

- a. Staff concurs with the Board's earlier support for the deployment of precast concrete panels at the north property line and recognizes the extension of this treatment to the alley in response to the Board guidance, and recommends approval of this design element. (B-3, B-4)
- b. Staff notes the Board's earlier concern regarding the integration of overhead weather protection with the streetscape design concept, noting its importance both in providing weather protection and in creating human scale in the pedestrian realm. (B-4, C-4, C-1)
- c. Staff does not support the preferred Overhead Weather Protection Design A, agreeing that it does not provide sufficient weather protection or recognizable human scale. Staff appreciates the inclusion of alternate schemes for this important element and agrees that although the canopies shown in Alternate Design B are undistinguished, they do provide cover and scale. Staff recommends a condition to develop an overhead weather protection design based on Alternate Design B with canopies configured and detailed in a manner that reflects the unique geometry and expression of the tower base and strengthens the overall design concept. (B-4, C-4, C-1)

FINAL RECOMMENDATION: December 1, 2020

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Concerned regarding the lack of adequate loading and delivering delivery area and its potential to disrupt the pedestrian environment.
- Supported the project for bringing activity in an interesting street edge to a dangerous and unpleasant area.
- Concerned by the lack of information about how the lighted exterior of the project would impact nearby buildings and noted that the base expression did not seem to be well tied to the tower above.
- Supported the facets and highlights and did not think an increase in the size of the refraction would improve the project.
- Supported the project as a welcome addition to the neighborhood.

There were no design related comments received in writing prior to the meeting.

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All public comments submitted in writing for this project can be viewed using the following link and entering the record number-EG: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

- 1. Design Concept, Massing and Expression:** The Board had an extensive and wide-ranging discussion of how the project had developed in response to previous guidance, with particular reference to the question of whether the proposed design had adequately responded to guidance from the Board and Staff to increase the level of distinction between the rectilinear and faceted portions of the facade in support of the design concept.
 - a. The Board noted that when they saw this project last at EDG-2 they were not looking at details or fully rendered drawings, that it would not be unprecedented to see small changes in massing from EDG to REC as a response to guidance, and that the very simple form of the tower made the differentiation of the faceted planes critically important to the realization of the design concept. (A-2, B-4, C-2)
 - b. The Board noted that their guidance at EDG-2 was to enhance the expression and distinction of the refracted elements in the facade, with flexibility offered in how to achieve this. The Board agreed that this could have been done with minor changes to form and mass, color, materials, and details and noted that the only change seemed to be color.
 - c. The Board noted that the angles and chamfers are very subtle, but that this seemed in keeping with the simplicity of the materials and that the massing response was consistent with previous iterations. (A-2, B-4, C-2)
 - d. The Board recognized the concern expressed in the previous review regarding the accuracy and reliability of renderings to correctly depict the appearance of these subtle changes in plane and expression and recommended a condition to provide a more distinct expression for the faceted portions of the facade. The Board agreed that that distinction could be created in a number of ways including some combination of a change in cladding system details, introduction of a light-box assembly, introduction of materials and/or details from the ground plane expression, a change in the cladding material, or others. (A-2, A-1, B-1, B-4, C-2)
 - e. The Board did not support Condition #1 recommended from the previous Recommendation which would have required an increase in the size of those facets.
- 2. Lighting:**
 - a. The Board continued to support the LED accent lighting proposed for the tower facades, agreeing that it has the potential to accentuate modulation and strengthen the design concept and recommended approval of this aspect of the design. (A-2, B-2, B-4, C-2)

- b. With consideration of public comment, the Board concurred with the Staff recommendation of a condition to provide complete details and specifications for these fixtures and their installation and studies demonstrating minimal negative glare impacts on nearby residents. (A-1, D-5.1)
- c. The Board concurred with Staff notes that the fixtures employed as accent lighting on the rectangular facades appear to be identical to those that mark the edges of the refracted planes and that because their roles in the design concept are so different, they recommended a condition to create an appropriate distinction in the appearance of the light generated by the fixtures employed vertically in a pattern on the tower facades and that of the angled linear installations marking the edges of the refracted planes. (A-2, B-2, B-4, C-2)

3. Ground Plane and Pedestrian Experience:

- a. The Board supported the deployment of precast concrete panels at the north property line and the extension of this treatment to the alley in response to Board guidance and recommended approval of this design element. (B-3, B-4)
- b. The Board concurred with Staff regarding the current lack of integration of overhead weather protection with the overall and streetscape design concept, and its importance both in providing weather protection and in creating human scale in the pedestrian realm. (B-4, C-4, C-1)
- c. The Board did not support the preferred Overhead Weather Protection Design A, agreeing that it does not provide sufficient weather protection or recognizable human scale. The Board concurred with the Staff recommendation of a condition to develop an overhead weather protection design based on Alternate Design B with canopies configured and detailed in a manner that reflects the unique geometry and expression of the tower base and strengthens the overall design concept. (B-4, C-4, C-1)
- d. The Board agreed that the ventilation louvers were highly visible and appeared poorly integrated with the streetscape design and recommended a condition to revise the ground floor louvers to be unified and integrated with the building architecture and streetscape design concept. (B-4, C-2, D-3)

DEVELOPMENT STANDARD DEPARTURES

The recommendation on the requested departure(s) is based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of Recommendation the following departures were requested:

1. **Common Recreation Area (SMC 23.49.010.B.2):** The Code requires an area equivalent to 5 percent of the total gross floor area in residential use to be provided as common recreation area. A maximum of 50 percent of the common recreation area may be enclosed. The applicant proposes 67% of the required common recreation area to be enclosed.

The Board unanimously concurred with Staff's previous recommendation of this departure request, noting their earlier support and agreeing that the resulting architectural form would help the project better enhance the skyline. (A2 Enhance the Skyline)

2. **Overhead Weather Protection (SMC 23.49.018.B):** The Code requires overhead weather protection to have a minimum dimension of 8 feet measured horizontally from the building wall. The applicant proposes areas of overhead weather protection that are less than 8 feet deep from the building wall.

The Board unanimously concurred with Staff's previous conditional recommendation of this departure request, conditioned on satisfactory resolution of Condition #3, noting its potential to create human scale and provide adequate weather protection while strengthening the design concept. (B4 Design a Well-Proportioned & Unified Building, C5 Encourage Overhead Weather Protection, C2 Design Facades of Many Scales)

3. **Overhead Weather Protection (SMC 23.49.018.D):** The Code requires the lower edge of overhead weather protection to be a minimum of 10 feet and a maximum of 15 ft above the sidewalk. The applicant proposes areas of overhead weather protection that are greater than 15 feet from the sidewalk.

The Board unanimously concurred with Staff's previous conditional recommendation of this departure request, conditioned on satisfactory resolution of Condition #3, noting its potential to create human scale and provide adequate weather protection while strengthening the design concept. (B4 Design a Well-Proportioned & Unified Building, C5 Encourage Overhead Weather Protection, C2 Design Facades of Many Scales)

4. **Residential Parking Ratio (SMC 23.54.030.B.1.b):** The Code requires that a minimum of 60% of the parking spaces shall be striped for medium vehicles. The applicant proposes to provide 31 medium size stalls (35%) instead of 53 medium size stalls (60%).

The Board unanimously concurred with Staff's previous recommendation of this departure request, noting their earlier support and agreeing that the resulting design has the potential to help the project better reinforce positive urban form and avoid above grade parking. (B3 Reinforce Positive Urban Form, E2 Integrate Parking Facilities)

5. **Commercial Parking Ratio (SMC 23.54.030.B.2.b):** The Code requires that a minimum of 25% of the parking spaces shall be striped for small vehicles and a maximum of 65% of the parking spaces to be striped for small vehicles and a minimum of 35% of the spaces shall be striped for large vehicles. The applicant proposes to provide 6 small size stalls (50%) and 5 medium size stalls (42%) instead of at least 35% large stalls.

The Board unanimously concurred with Staff's previous recommendation of this departure request, noting their earlier support and agreeing that the resulting design has the potential to help the project better reinforce positive urban form and avoid above grade parking. (B3 Reinforce Positive Urban Form, E2 Integrate Parking Facilities)

6. **Parking Aisle Width (SMC 23.54.030.D.2.a.2):** The Code requires the minimum width of driveways for two-way traffic shall be 22 feet and the maximum width shall be 25 feet. The applicant proposes driveways narrower than 22 feet (19'10 1/4" and 20' 1 5/8" per the Recommendation packet dated 8/28/2020).

The Board unanimously concurred with Staff's previous recommendation of this departure request agreeing that the resulting design has the potential to help the project better reinforce positive urban form and avoid above grade parking. (B3 Reinforce Positive Urban Form, E2 Integrate Parking Facilities)

7. **Driveway Turning Path Radius (SMC 23.54.030.D.2.b):** The Code requires a 24-foot turning radius for this driveway. The applicant proposes driveways with radii smaller than 24 feet (ranging from 18' 11 3/8" to 23'1" per the Recommendation packet dated 8/28/2020.

The Board unanimously concurred with Staff's previous recommendation of this departure request, noting their earlier support and that the resulting design has the potential to help the project better reinforce positive urban form and avoid above grade parking. (B3 Reinforce Positive Urban Form, E2 Integrate Parking Facilities)

8. **Street Setback (SMC 23.49.022.A.1):** The Code requires a minimum sidewalk width and a 3' dedication at this site to meet the minimum sidewalk width. The applicant proposes a 5-inch encroachment for discrete structural elements that will total less than 3 square feet per the Recommendation packet dated 8/28/2020.

If this proposed encroachment is eligible for a design review departure and ineligible as an administrative Type 1 decision, the Board unanimously concurred with Staff's previous recommendation of this departure request, noting the resulting design will provide human scale and help strengthen the design concept. (B4 Design a Well-Proportioned & Unified Building, C2 Design Facades of Many Scales)

DESIGN REVIEW GUIDELINES

The Downtown Design Guidelines recognized by the Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

SITE PLANNING AND MASSING

A1 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 nearby or beyond the immediate context of the building site.

A1.1. Response to Context: Each building site lies within a larger physical context having various and distinct features and characteristics to which the building design should respond. Develop an architectural concept and arrange the building mass in response to one or more of the following, if present:

- a. a change in street grid alignment that yields a site having nonstandard shape;
- b. a site having dramatic topography or contrasting edge conditions;
- c. patterns of urban form, such as nearby buildings that have employed distinctive and effective massing compositions;
- d. access to direct sunlight—seasonally or at particular times of day;
- e. views from the site of noteworthy structures or natural features, (i.e.: the Space Needle, Smith Tower, port facilities, Puget Sound, Mount Rainier, the Olympic Mountains);
- f. views of the site from other parts of the city or region; and

g. proximity to a regional transportation corridor (the monorail, light rail, freight rail, major arterial, state highway, ferry routes, bicycle trail, etc.).

A1.2. Response to Planning Efforts: Some areas downtown are transitional environments, where existing development patterns are likely to change. In these areas, respond to the urban form goals of current planning efforts, being cognizant that new development will establish the context to which future development will respond.

A2 Enhance the Skyline: Design the upper portion of the building to promote visual interest and variety in the downtown skyline. Respect existing landmarks while responding to the skyline's present and planned profile.

A2.1. Desired Architectural Treatments: Use one or more of the following architectural treatments to accomplish this goal:

- a. sculpt or profile the facades;
- b. specify and compose a palette of materials with distinctive texture, pattern, or color;
- c. provide or enhance a specific architectural rooftop element.

A2.2. Rooftop Mechanical Equipment: In doing so, enclose and integrate any rooftop mechanical equipment into the design of the building as a whole.

ARCHITECTURAL EXPRESSION

B1 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.

B1.1. Adjacent Features and Networks: Each building site lies within an urban neighborhood context having distinct features and characteristics to which the building design should respond. Arrange the building mass in response to one or more of the following, if present:

- a. a surrounding district of distinct and noteworthy character;
- b. an adjacent landmark or noteworthy building;
- c. a major public amenity or institution nearby;
- d. neighboring buildings that have employed distinctive and effective massing compositions;
- e. elements of the pedestrian network nearby, (i.e.: green street, hillclimb, mid-block crossing, through-block passageway); and
- f. direct access to one or more components of the regional transportation system.

B1.2. Land Uses: Also, consider the design implications of the predominant land uses in the area surrounding the site.

B2 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 nearby less-intensive zones.

B2.1. Analyzing Height, Bulk, and Scale: Factors to consider in analyzing potential height, bulk, and scale impacts include:

- a. topographic relationships;
- b. distance from a less intensive zone edge;
- c. differences in development standards between abutting zones (allowable building height, width, lot coverage, etc.);
- d. effect of site size and shape;
- e. height, bulk, and scale relationships resulting from lot orientation (e.g., back lot line to back lot line vs back lot line to side lot line); and

f. type and amount of separation between lots in the different zones (e.g. , separation by only a property line, by an alley or street, or by other physical features such as grade changes); g. street grid or platting orientations.

B2.2. Compatibility with Nearby Buildings: In some cases, careful siting and design treatment may be sufficient to achieve reasonable transition and mitigation of height, bulk, and scale impacts. Some techniques for achieving compatibility are as follows:

- h. use of architectural style, details (such as roof lines, beltcourses, cornices, or fenestration), color, or materials that derive from the less intensive zone.
- i. architectural massing of building components; and
- j. responding to topographic conditions in ways that minimize impacts on neighboring development, such as by stepping a project down the hillside.

B2.3. Reduction of Bulk: In some cases, reductions in the actual bulk and scale of the proposed structure may be necessary in order to mitigate adverse impacts and achieve an acceptable level of compatibility. Some techniques which can be used in these cases include:

- k. articulating the building's facades vertically or horizontally in intervals that reflect to existing structures or platting pattern;
- l. increasing building setbacks from the zone edge at ground level;
- m. reducing the bulk of the building's upper floors; and
- n. limiting the length of, or otherwise modifying, facades.

B3 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.

B3.1. Building Orientation: In general, orient the building entries and open space toward street intersections and toward street fronts with the highest pedestrian activity. Locate parking and vehicle access away from entries, open space, and street intersections considerations.

B3.2. Features to Complement: Reinforce the desirable patterns of massing and facade composition found in the surrounding area. Pay particular attention to designated landmarks and other noteworthy buildings. Consider complementing the existing:

- a. massing and setbacks,
- b. scale and proportions,
- c. expressed structural bays and modulations,
- d. fenestration patterns and detailing,
- e. exterior finish materials and detailing,
- f. architectural styles, and
- g. roof forms.

B3.3. Pedestrian Amenities at the Ground Level: Consider setting the building back slightly to create space adjacent to the sidewalk conducive to pedestrian-oriented activities such as vending, sitting, or dining. Reinforce the desirable streetscape elements found on adjacent blocks. Consider complementing existing:

- h. public art installations,
- i. street furniture and signage systems,
- j. lighting and landscaping, and
- k. overhead weather protection.

B4 Design a Well-Proportioned & Unified Building: Compose the massing and organize the 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.

B4.1. Massing: When composing the massing, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- a. setbacks, projections, and open space;
- b. relative sizes and shapes of distinct building volumes; and
- c. roof heights and forms.

B4.2. Coherent Interior/Exterior Design: When organizing the interior and exterior spaces and developing the architectural elements, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- d. facade modulation and articulation;
- e. windows and fenestration patterns;
- f. corner features;
- g. streetscape and open space fixtures;
- h. building and garage entries; and
- i. building base and top.

B4.3. Architectural Details: When designing the architectural details, consider how the following can contribute to create a building that exhibits a coherent architectural concept:

- j. exterior finish materials;
- k. architectural lighting and signage;
- l. grilles, railings, and downspouts;
- m. window and entry trim and moldings;
- n. shadow patterns; and
- o. exterior lighting.

THE STREETScape

C1 Promote Pedestrian Interaction: Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should appear safe, welcoming, and open to the general public.

C1.1. Street Level Uses: Provide spaces for street level uses that:

- a. reinforce existing retail concentrations;
- b. vary in size, width, and depth;
- c. enhance main pedestrian links between areas; and
- d. establish new pedestrian activity where appropriate to meet area objectives. Design for uses that are accessible to the general public, open during established shopping hours, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity.

C1.2. Retail Orientation: Where appropriate, consider configuring retail space to attract tenants with products or services that will “spill-out” onto the sidewalk (up to six feet where sidewalk is sufficiently wide).

C1.3. Street-Level Articulation for Pedestrian Activity: Consider setting portions of the building back slightly to create spaces conducive to pedestrian-oriented activities such as vending, resting, sitting, or dining. Further articulate the street level facade to provide an engaging pedestrian experience via:

- e. open facades (i.e., arcades and shop fronts);
- f. multiple building entries;
- g. windows that encourage pedestrians to look into the building interior;

- h. merchandising display windows;
- i. street front open space that features art work, street furniture, and landscaping;
- j. exterior finish materials having texture, pattern, lending themselves to high quality detailing.

C2 Design Facades of Many Scales: Design architectural features, fenestration patterns, and material 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.

C2.1. Modulation of Facades: Consider modulating the building facades and reinforcing this modulation with the composition of:

- a. the fenestration pattern;
- b. exterior finish materials;
- c. other architectural elements;
- d. light fixtures and landscaping elements; and
- e. the roofline.

C3 Provide Active — Not Blank — Facades: Buildings should not have large blank walls facing the street, especially near sidewalks.

C3.1. Desirable Facade Elements: Facades which for unavoidable programmatic reasons may have few entries or windows should receive special design treatment to increase pedestrian safety, comfort, and interest. Enliven these facades by providing:

- a. small retail spaces (as small as 50 square feet) for food bars, newstands, and other specialized retail tenants;
- b. visibility into building interiors;
- c. limited lengths of blank walls;
- d. a landscaped or raised bed planted with vegetation that will grow up a vertical trellis or frame installed to obscure or screen the wall's blank surface;
- e. high quality public art in the form of a mosaic, mural, decorative masonry pattern, sculpture, relief, etc., installed over a substantial portion of the blank wall surface;
- f. small setbacks, indentations, or other architectural means of breaking up the wall surface;
- g. different textures, colors, or materials that break up the wall's surface.
- h. special lighting, a canopy, awning, horizontal trellis, or other pedestrian-oriented feature to reduce the expanse of the blank surface and add visual interest;
- i. seating ledges or perches (especially on sunny facades and near bus stops);
- j. merchandising display windows or regularly changing public information display cases.

C4 Reinforce Building Entries: To promote pedestrian comfort, safety, and orientation, reinforce building entries.

C4.1. Entry Treatments: Reinforce the building's entry with one or more of the following architectural treatments:

- a. extra-height lobby space;
- b. distinctive doorways;
- c. decorative lighting;
- d. distinctive entry canopy;
- e. projected or recessed entry bay;
- f. building name and address integrated into the facade or sidewalk;
- g. artwork integrated into the facade or sidewalk;
- h. a change in paving material, texture, or color;
- i. distinctive landscaping, including plants, water features and seating
- j. ornamental glazing, railings, and balustrades.

C4.2. Residential Entries: To make a residential building more approachable and to create a sense of association among neighbors, entries should be clearly identifiable and visible from the street and easily accessible and inviting to pedestrians. The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors. Provide convenient and attractive access to the building's entry. To ensure comfort and security, entry areas and adjacent open space should be sufficiently lighted and protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

C5 Encourage Overhead Weather Protection: Project applicants are encouraged to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

C5.1. Overhead Weather Protection Design Elements: Overhead weather protection should be designed with consideration given to:

- a. the overall architectural concept of the building
- b. uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops and intersections);
- c. minimizing gaps in coverage;
- d. a drainage strategy that keeps rain water off the street-level facade and sidewalk;
- e. continuity with weather protection provided on nearby buildings;
- f. relationship to architectural features and elements on adjacent development, especially if abutting a building of historic or noteworthy character;
- g. the scale of the space defined by the height and depth of the weather protection;
- h. use of translucent or transparent covering material to maintain a pleasant sidewalk environment with plenty of natural light; and
- i. when opaque material is used, the illumination of light-colored undersides to increase security after dark.

C6 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.

C6.1. Alley Activation: Consider enlivening and enhancing the alley entrance by:

- a. extending retail space fenestration into the alley one bay;
- b. providing a niche for recycling and waste receptacles to be shared with nearby, older buildings lacking such facilities; and
- c. adding effective lighting to enhance visibility and safety.

C6.2. Alley Parking Access: Enhance the facades and surfaces in and adjacent to the alley to create parking access that is visible, safe, and welcoming for drivers and pedestrians. Consider

- d. locating the alley parking garage entry and/ or exit near the entrance to the alley;
- e. installing highly visible signage indicating parking rates and availability on the building facade adjacent to the alley; and
- f. chamfering the building corners to enhance pedestrian visibility and safety where alley is regularly used by vehicles accessing parking and loading.

PUBLIC AMENITIES

D1 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.

D1.1. Pedestrian Enhancements: Where a commercial or mixed-use building is set back from the sidewalk, pedestrian enhancements should be considered in the resulting street frontage. Downtown

the primary function of any open space between commercial buildings and the sidewalk is to provide access into the building and opportunities for outdoor activities such as vending, resting, sitting, or dining.

- a. All open space elements should enhance a pedestrian oriented, urban environment that has the appearance of stability, quality, and safety.
- b. Preferable open space locations are to the south and west of tower development, or where the siting of the open space would improve solar access to the sidewalk.
- c. Orient public open space to receive the maximum direct sunlight possible, using trees, overhangs, and umbrellas to provide shade in the warmest months. Design such spaces to take advantage of views and solar access when available from the site.
- d. The design of planters, landscaping, walls, and other street elements should allow visibility into and out of the open space.

D1.2. Open Space Features: Open spaces can feature art work, street furniture, and landscaping that invite customers or enhance the building's setting. Examples of desirable features to include are:

- a. visual and pedestrian access (including barrier-free access) into the site from the public sidewalk;
- b. walking surfaces of attractive pavers;
- c. pedestrian-scaled site lighting;
- d. retail spaces designed for uses that will comfortably "spill out" and enliven the open space;
- e. areas for vendors in commercial areas;
- f. landscaping that enhances the space and architecture;
- g. pedestrian-scaled signage that identifies uses and shops; and
- h. site furniture, art work, or amenities such as fountains, seating, and kiosks. residential open space

D1.3. Residential Open Space: Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. In addition, the following should be considered:

- i. courtyards that organize architectural elements while providing a common garden;
- j. entry enhancements such as landscaping along a common pathway;
- k. decks, balconies and upper level terraces;
- l. play areas for children;
- m. individual gardens; and
- n. location of outdoor spaces to take advantage of sunlight.

D2 Enhance the Building with Landscaping: Enhance the building and site with generous landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

D2.1. Landscape Enhancements: Landscape enhancement of the site may include some of the approaches or features listed below:

- a. emphasize entries with special planting in conjunction with decorative paving and/or lighting;
- b. include a special feature such as a courtyard, fountain, or pool;
- c. incorporate a planter guard or low planter wall as part of the architecture;
- d. distinctively landscape open areas created by building modulation;
- e. soften the building by screening blank walls, terracing retaining walls, etc;
- f. increase privacy and security through screening and/or shading;
- g. provide a framework such as a trellis or arbor for plants to grow on;
- h. incorporate upper story planter boxes or roof planters;
- i. provide identity and reinforce a desired feeling of intimacy and quiet;
- j. provide brackets for hanging planters;

k. consider how the space will be viewed from the upper floors of nearby buildings as well as from the sidewalk; and

l. if on a designated Green Street, coordinate improvements with the local Green Street plan.

D2.2. Consider Nearby Landscaping: Reinforce the desirable pattern of landscaping found on adjacent block faces.

m. plant street trees that match the existing planting pattern or species;

n. use similar landscape materials; and

o. extend a low wall, use paving similar to that found nearby, or employ similar stairway construction methods.

D3 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.

D3.1. Public Space Features and Amenities: Incorporate one or more of the following as appropriate:

a. public art;

b. street furniture, such as seating, newspaper boxes, and information kiosks;

c. distinctive landscaping, such as specimen trees and water features;

d. retail kiosks;

e. public restroom facilities with directional signs in a location easily accessible to all; and

f. public seating areas in the form of ledges, broad stairs, planters and the like, especially near public open spaces, bus stops, vending areas, on sunny facades, and other places where people are likely to want to pause or wait.

D3.2. Intersection Focus: Enliven intersections by treating the corner of the building or sidewalk with public art and other elements that promote interaction (entry, tree, seating, etc.) and reinforce the distinctive character of the surrounding area.

D4 Provide Appropriate Signage: Design signage appropriate for the scale and character of the project and immediate neighborhood. All signs should be oriented to pedestrians and/or persons in vehicles on streets within the immediate neighborhood.

D4.1. Desired Signage Elements: Signage should be designed to:

a. facilitate rapid orientation

b. add interest to the street level environment

c. reduce visual clutter

d. unify the project as a whole

e. enhance the appearance and safety of the downtown area.

D4.2. Unified Signage System: If the project is large, consider designing a comprehensive building and tenant signage system using one of the following or similar methods:

a. signs clustered on kiosks near other street furniture or within sidewalk zone closest to building face;

b. signs on blades attached to building facade;

c. signs hanging underneath overhead weather protection.

D4.3. Signage Types: Also consider providing:

d. building identification signage at two scales: small scale at the sidewalk level for pedestrians, and large scale at the street sign level for drivers;

e. sculptural features or unique street furniture to complement (or in lieu of) building and tenant signage;

f. interpretive information about building and construction activities on the fence surrounding the construction site.

D4.4. Discourage Upper-Level Signage: Signs on roofs and the upper floors of buildings intended primarily to be seen by motorists and others from a distance are generally discouraged.

D5 Provide Adequate Lighting: To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building facade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and on signage.

D5.1. Lighting Strategies: Consider employing one or more of the following lighting strategies as appropriate.

- a. Illuminate distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest.
- b. Install lighting in display windows that spills onto and illuminates the sidewalk.
- c. Orient outside lighting to minimize glare within the public right-of-way.

D6 Design for Personal Safety & Security: Design the building and site to promote the feeling of personal safety and security in the immediate area.

D6.1. Safety in Design Features: To help promote safety for the residents, workers, shoppers, and visitors who enter the area:

- a. provide adequate lighting;
- b. retain clear lines of sight into and out of entries and open spaces;
- c. use semi-transparent security screening, rather than opaque walls, where appropriate;
- d. avoid blank and windowless walls that attract graffiti and that do not permit residents or workers to observe the street;
- e. use landscaping that maintains visibility, such as short shrubs and/or trees pruned so that all branches are above head height;
- f. use ornamental grille as fencing or over ground-floor windows in some locations;
- g. avoid architectural features that provide hiding places for criminal activity;
- h. design parking areas to allow natural surveillance by maintaining clear lines of sight for those who park there, for pedestrians passing by, and for occupants of nearby buildings;
- i. install clear directional signage;
- j. encourage “eyes on the street” through the placement of windows, balconies, and street-level uses; and
- k. ensure natural surveillance of children’s play areas.

VEHICULAR ACCESS AND PARKING

E1 Minimize Curb Cut Impacts: Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

E1.1. Vehicle Access Considerations: Where street access is deemed appropriate, one or more of the following design approaches should be considered for the safety and comfort of pedestrians.

- a. minimize the number of curb cuts and locate them away from street intersections;
- b. minimize the width of the curb cut, driveway, and garage opening;
- c. provide specialty paving where the driveway crosses the sidewalk;
- d. share the driveway with an adjacent property owner;
- e. locate the driveway to be visually less dominant;
- f. enhance the garage opening with specialty lighting, artwork, or materials having distinctive texture, pattern, or color
- g. provide sufficient queueing space on site.

E1.2. Vehicle Access Location: Where possible, consider locating the driveway and garage entrance to take advantage of topography in a manner that does not reduce pedestrian safety nor place the pedestrian entrance in a subordinate role.

E2 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.

E2.1. Parking Structures: Minimize the visibility of at-grade parking structures or accessory parking garages. The parking portion of a structure should be architecturally compatible with the rest of the building and streetscape. Where appropriate consider incorporating one or more of the following treatments:

- a. Incorporate pedestrian-oriented uses at street level to reduce the visual impact of parking structures. A depth of only 10 feet along the front of the building is sufficient to provide space for newsstands, ticket booths, flower shops, and other viable uses.
- b. Use the site topography to help reduce the visibility of the parking facility.
- c. Set the parking facility back from the sidewalk and install dense landscaping.
- d. Incorporate any of the blank wall treatments listed in Guideline C-3.
- e. Visually integrate the parking structure with building volumes above, below, and adjacent.
- f. Incorporate artwork into the facades.
- g. Provide a frieze, cornice, canopy, overhang, trellis or other device at the top of the parking level.
- h. Use a portion of the top of the parking level as an outdoor deck, patio, or garden with a rail, bench, or other guard device around the perimeter.

E2.2. Parking Structure Entrances: Design vehicular entries to parking structure so that they do not dominate the street frontage of a building. Subordinate the garage entrance to the pedestrian entrance in terms of size, prominence on the street-scape, location, and design emphasis. Consider one or more of the following design strategies:

- i. Enhance the pedestrian entry to reduce the relative importance of the garage entry.
- j. Recess the garage entry portion of the facade or extend portions of the structure over the garage entry to help conceal it.
- k. Emphasize other facade elements to reduce the visual prominence of the garage entry.
- l. Use landscaping or artwork to soften the appearance of the garage entry from the street.
- m. Locate the garage entry where the topography of the site can help conceal it.

E3 Minimize the Presence of Service Areas: Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.

E3.1. Methods of Integrating Service Areas: Consider incorporating one or more of the following to help minimize these impacts:

- a. Plan service areas for less visible locations on the site, such as off the alley.
- b. Screen service areas to be less visible.
- c. Use durable screening materials that complement the building.
- d. Incorporate landscaping to make the screen more effective.
- e. Locate the opening to the service area away from the sidewalk.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated December 1, 2020, and the materials shown and verbally described by the applicant at the December 1, 2020, Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions:

1. Provide a more distinct expression for the faceted portions of the facade. (A-2, A-1, B-1, B-4, C-2)
2. Provide complete details and specifications for the LED fixtures on the building facades and their installation and include studies demonstrating minimal negative glare impacts on nearby residents. (A-1, D-5.1)
3. Create an appropriate distinction in the appearance of the light generated by the fixtures employed vertically in a pattern on the tower facades and that of the angled linear installations marking the edges of the refracted planes. (A-2, B-2, B-4, C-2)
4. Develop an overhead weather protection design based on Alternate Design B with canopies configured and detailed in a manner that reflects the unique geometry and expression of the tower base and strengthens the overall design concept. (B-4, C-4, C-1)
5. Revise the ground floor louvers to be unified and integrated with the building architecture and streetscape design concept. (B-4, C-2, D-3)

ANALYSIS & DECISION – DESIGN REVIEW

DIRECTOR'S ANALYSIS

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describes the content of the SDCI Director's decision 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 recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable design review guidelines.

At the conclusion of the Recommendation meeting held on December 1, 2020, the Board recommended approval of the project with the recommendations described in the summary of the Recommendation meeting above.

Four members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the design review 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.F.3).

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 (SMC 23.41.010) and accepts the recommendations noted by the Board.

Following the Recommendation meeting, SDCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The applicant's response to the recommended design review conditions is as follows:

1. The applicant responded with a memo and document "Land Use Conditions Response" on 09/07/2021, showing a revised edge condition detail that provides visual distinction between the faceted elements in the tower and creates a distinction between the two different facade lighting conditions. This response satisfies the recommended condition #1 for the MUP decision.
2. The applicant responded with a memo and document "Land Use Conditions Response" on 09/07/2021 which included complete details and specifications for the LED fixtures on the building facades and their installation and studies demonstrating minimal negative glare impacts on nearby residents. This response satisfies the recommended condition #2 for the MUP decision.
3. The applicant responded with a memo and document "Land Use Conditions Response" on 09/07/2021 showing a revised edge condition detail for the angled linear installations marking the edges of the refracted planes that is distinct from that of the fixtures employed vertically in a pattern on the tower facades. This response satisfies the recommended condition #3 for the MUP decision.
4. The applicant responded with a memo and document "Land Use Conditions Response" on 09/07/2021 which included an overhead weather protection design that reflects the unique geometry and expression of the tower base and strengthens the overall design concept. This response satisfies the recommended condition #4 for the MUP decision.
5. The applicant responded with a memo and document "Land Use Conditions Response" on 09/07/2021 which included a revised design for the ground floor louvers that is integrated with the architecture and streetscape design. This response satisfies the recommended condition #5 for the MUP decision.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI 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. The Director is satisfied that all the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure(s) with the condition at the end of this decision.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (RCW 43.21C), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and considered any pertinent comments which may have been received regarding this proposed action. The information in the environmental checklist, the supplemental information, and the experience of the lead agency with the review of similar projects, form the basis for this analysis and decision.

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, and 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, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

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, a small increase in traffic impacts due to construction related vehicles, exposure of hazardous materials, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Short term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

Air Quality – Greenhouse Gas Emissions

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, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

Construction Impacts – Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website.

Construction Impacts – Noise

The project is expected to generate loud noise during demolition, grading, and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in Downtown zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: Construction Use in the Right of Way. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigate noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy).

Environmental Health – Asbestos and Lead

Construction activity has the potential to result in exposure to asbestos. Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation is warranted for asbestos impacts pursuant to SMC 25.05.675.F (Environmental Health Policy).

Construction activity has the potential to result in exposure to lead. Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act

(CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP), and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation is warranted for lead impacts pursuant to SMC 25.05.675.F (Environmental Health Policy).

LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of approval of this proposal. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Long term impacts, as well as mitigation, are identified in the environmental checklist annotated by SDCI with additional analysis provided below.

Air Quality – Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A (Air Quality Policy).

Height, Bulk, and Scale

The proposal completed the design review process described in SMC Chapter 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: *"The Citywide design guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the design review process shall be presumed to comply with these height, bulk, and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone design review shall comply with design guidelines applicable to the project."*

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the design review process. Pursuant to the Overview policies (SMC 25.05.665.D), the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted pursuant to SMC 25.05.675.G (Height, Bulk and Scale Policy).

Traffic and Transportation

The transportation analysis (Transpo, Traffic Impact Analysis, May 2020, Transportation Management Plan, Transpo, June 28, 2021, Transportation Management Plan, Transpo, January 19, 2021) indicated

that the project is expected to generate a total of 952 net new daily vehicle trips, 95 net new AM peak hour trips and 80 net new PM peak hour trips.

The additional trips would have an impact on the transportation system in the vicinity of the project. To mitigate these impacts, the project will be required to mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union, and the Denny Way ITS Project. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of \$59,664 to South Lake Union Transportation Mitigation Program and \$6,027 to the Denny Way ITS Project to help reduce the project's transportation impacts. This fee shall be paid prior to building permit issuance, consistent with SDCI business rules, and conditioned with this decision.

The transportation analyses provided by Transpo indicated that a Loading Dock Management Plan (LDMP) is necessary to manage deliveries so that vehicles are not waiting in the alley to access the loading berth. The management plan will coordinate deliveries, trash pick-up, and residential move-ins/move-outs to ensure that they do not occur at the same time. Details of the LDMP are specified in the SEPA Conditions, below.

The condition to pay a pro rata contribution of \$59,664 to South Lake Union Transportation Mitigation Program and \$6,027 to the Denny Way ITS Project, and implement a Loading Dock Management Plan are expected to adequately mitigate the adverse impacts from the proposed development, consistent with per SMC 25.05.675.R (Traffic and Transportation Policy).

DECISION – SEPA

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

- ☒ **Mitigated Determination of Nonsignificance (MDNS).** This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This MDNS is issued after using the optional DNS process in WAC 197-11-355 and early review DNS process in SMC 25.05.355. There is no further comment period on the MDNS.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

CONDITIONS – SEPA

Prior to Issuance of a Demolition, Grading or Construction Permit

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

Prior to Issuance of a Construction Permit

3. The applicant shall make a pro rata mitigation payment in the amount of \$59,664 to South Lake Union Transportation Mitigation Program and \$6,027 to the Denny Way ITS Project to the City of Seattle.

During Construction

4. The applicant shall provide a Loading Dock Management Plan (LDMP). The LDMP shall include but not necessarily be limited to the following elements:
 - Delivery Schedules:
 - Waste collection, deliveries, and residential move-ins/move-outs shall be scheduled such that a single loading activity is occurring at the site at any given time.
 - Site tenants, residents, and vendors shall adjust delivery schedules so that deliveries are spread out as evenly as possible.
 - Delivery Patterns:
 - Trucks will access the site via City of Seattle defined truck routes, where applicable.
 - SU-30 vehicles will be required to access the site from Stewart Street. Tenants, residents, and vendors who require the use of SU-30 trucks will be made aware of this access restriction upon scheduling of deliveries.
 - Loading Dock Operation:
 - Vehicles shall be accommodated fully within the loading area. Vehicles that do not fit within the loading area or within curbside commercial vehicle loading zones shall obtain the appropriate City of Seattle street use permits.
 - Delivery trucks are not allowed to idle in the alley. Signs will be posted in the alley alerting drivers to this restriction.
 - Enforcement:
 - Sixty days after the site uses are fully operational, the applicant or site tenant shall provide verification to Seattle Department of Construction and Inspections (SDCI) that the LDMP is in operation and that it meets the requirements set forth in the Conditions of Approval. SDCI may require adjustments to delivery schedules and additional verification that schedules have been followed to achieve the requirements of this condition.

- It shall be the responsibility of building management to inform all delivery truck drivers of this LDMP and its requirements.
- It is acknowledged that for this LDMP to remain effective over time, certain modifications or adjustments to the LDMP may be necessary. Therefore, this LDMP may be modified with the approval of the property owner and SDCI.

For the Life of the Project

5. The Loading Dock Management Plan (Condition #4, above) shall be maintained.

Joseph Hurley, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: July 10, 2025

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