



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number: 3003465
Applicant Name: Nicole Winn for BOSA Properties
Address of Proposal: 1800 Terry Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to establish the use for the future construction of a 31-story, 270 unit multi-family building with 7,046 square feet of retail at ground level. Parking for 288 vehicles to be provided in below and above grade garages. Project includes demolition of one structure.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC - Four Design Departures.

1. SMC 23.49.008C2. Rooftop Features.
2. SMC 23.49.009. Street Level Use.
3. SMC 23.49.076G. Landscaping in Setback.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

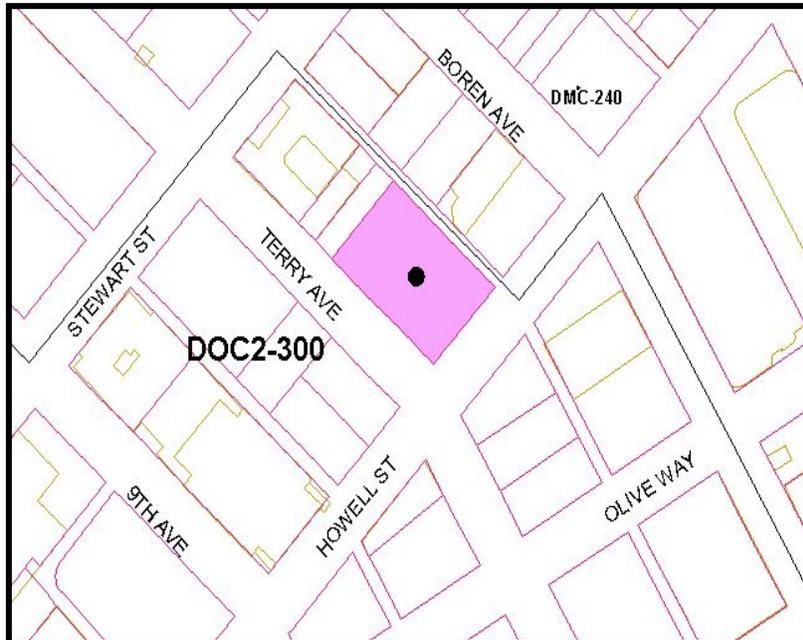
DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Early DNS Notice published March 30th, 2006.

BACKGROUND DATA

Site and Area Description

The 21,600 square foot site, located at the northern corner of Howell Street and Terry Ave., lies within the Denny Triangle downtown neighborhood. The terrain rises a gentle two feet from the west to the east. A small surface parking lot, a one story commercial building and the Williamsburg Court Apartments complete the Terry Ave. frontage to Steward St. Across the alley, surface parking covers the block. Expansive surface parking lots and small commercial buildings dominate the landscape from the Metropolitan Park complex to the 1800 Ninth Ave. Building. Pay lots represent a large portion of the parking with other lots devoted to car rental and automotive sales and repair. Other structures in the vicinity include Gethsemane Lutheran Church, Honda of Seattle, Washington Dance Club and Goodyear automotive.



Zoning in this portion of the Denny Triangle under the new downtown zoning code varies slightly as the properties approach Denny Way. North and east of Boren Ave. (as well as Virginia Ave at Terry Ave.) the zoning designation is Downtown Mixed Commercial 240/290-400. The first figure represents the base height limit for portions of a structure containing nonresidential uses. The second number applies to the base height limit for portions of a structure in residential use. The third numeral shown is the highest

possible applicable height limit for a structure that uses the affordable housing bonus and has no nonresidential or live-work use above the first height limit. The base height limit in the DMC zone shifts to 340 feet (the second and third height limits, 290-400 feet, stay the same) on the southwestern edge of Boren Ave. This includes the subject property. Across Ninth Avenue, the zoning category changes to Downtown Office Core Two 500/ 300-500.

Built in 1964, the structure occupying the site reflects an architectural style known as brutalism with its specific lineage modestly emanating from Le Corbusier's seminal Convent of La Tourette in France and Kallmann, McKinnell's Boston City Hall. The structure's concrete, fenestration and upper story cantilever are representative of this influence.

Terry Avenue, a city designated green street, is one-way northwest bound. Howell Street has four lanes, one lane travels toward the southwest and turns onto Terry Ave. The remaining lanes carry traffic northeast bound.

Proposal Description

The applicant proposes to design and construct a 350 foot tower comprising 27 residential floors (270 dwelling units), a roof top amenity room, two above grade parking levels, a ground floor commercial level and four levels of sub-grade parking at the northern most corner of Howell Street and Terry Avenue. The proposal calls for the demolition of a vacant five story office building (formerly Regence Blue Shield) constructed in 1964.

The design has evolved since the Early Design Guidance (December 6, 2005) meeting with significant reductions in height and number of units. The applicant refined the preferred scheme in which the architect pushed the tower shaft to the street edges. Constructed, the edifice would add to the nascent urban canyon along Howell St. beginning from the Metropolitan Park complex to the 1800 Ninth Ave. Building.

The proposed parti forms a three story podium with a 28 story tower rising above it at the Howell and Terry corner. An open space formed from the remaining area above the podium would contain an amenity space with spa, outdoor lap pool and terrace. Roughly square in plan, the tower comprises a cluster of residential units around a circulation and service core. Other amenity areas include private and common terraces at levels five and 31.

Origami imagery inspired the initial EDG design concepts. By the Recommendation meeting, the butterfly roofs and other fold plates had been generally exorcised from the design with the exception possibly of the upper residential level plan and the large entry canopy.

In the one year between the EDG and the Recommendation meetings, the city's downtown zoning regulations changed. The zone in which the site sits changed from Downtown Office Core Two 300 zone (DOC2 300) to Downtown Mixed Commercial with a 340 foot height limit with allowance from 290 to 400 feet (DMC 340/290-400). The applicant has chosen to vest to the previous zoning classification.

The city of Seattle Land Use Code allows increased heights in portions of the Denny Triangle. Within the Downtown Office Core Two 300 zone (DOC2 300), the subject has an allowance of a 300 foot height limit. The land use code provides a ten percent increase in height if floor areas above 300 feet are less than 80 percent of the allowable floor area above 125 feet. A 30 percent increase in height can be gained from a transfer of development credits (TDC). Finally the Code adds a potential ten percent increase for rooftop screening. Using all of Code allowed height increase incentives; a tower could raise approximately 450 feet.

The Seattle land use code requires a three foot sidewalk widening dedication to provide for a 15 foot wide sidewalk on Howell St., a two foot landscape setback along the Terry Ave. green street and a two foot alley widening dedication. All vehicular access into the structure would occur from the alley. A covered drop-off area would be at the rear of the building adjacent to the alley.

Public Comments

Five people signed in at the Early Design Guidance meeting. No comments were offered.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on December 6, 2005. 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 identified the following Downtown Design Guidelines as high priorities to be considered in the final proposed design.

A. Site Planning & Massing

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

A tower on this site would be highly visible. The Board, noting p.24 of the applicant's packet with its photos of Vancouver skyscrapers, encouraged the development team to sculpt the upper ten or 15 percent of the structure to differentiate the roof from the shaft and create an iconic image. The preliminarily designed folded plate roof, inspired by origami pleats, pleased the Board. The architect should show the building in its three dimensional context within a nine block area and from various street corridors.

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.

Due to the lack of green street improvements in the vicinity, the landscape architect has an opportunity to establish a strong precedent. The Board encourages the applicant to take chances and produce a provocative pedestrian realm. The design of the Terry Avenue green street right-of-way should set in motion everything at the streetscape.

C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

The proposed structure must have active exterior spaces that possess a right fit or scale. The Board anticipates a well designed and attractive streetscape. At the Recommendation Meeting, the development team should present large scale drawings of the streetscape and details of canopies and other features of the base.

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

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

C-5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

The design should include continuous overhead weather protection. The architect should present detailed drawings of these features at the next meeting.

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.

D. Public Amenities

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

See C-1.

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

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.

What landscape and architectural elements would create a distinctive sense of place? The next presentation should provide a convincing and detailed design.

The streetscape and the lower floors should possess qualities that distinguish the building. As one approaches by either foot or vehicle, the building (lighting, materials etc.) should generate a feeling of excitement in much the way a large, crowded party might transmit enthusiasm or anticipation a block or two from the actual event.

D-5 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, and on signage.

Appropriate lighting should promote safety and attract pedestrians. Being slightly removed from the more active areas of downtown, the tower should draw people to its retail, plaza and other amenities.

E. Vehicular Access and Parking

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.

With its large surface parking lots and proximity to I-5, the vicinity has a predominantly auto orientation. The Board urged the applicant to use the area’s auto orientation as a way of informing the design. In this location, the proposed above grade parking garage, instead of being masked, should be celebrated. The designers should go beyond the application of metal grills and faux windows to present a neighborhood beacon in the spirit of the Chicago garage example on p. 23 of the EDG packet. The façade of the garage should not be bland or blank but possess its own distinctiveness.

Should the applicant decide to not express or hide the garage, the Board prefers that the number of above parking levels be reduced in favor of added subterranean levels.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on February 24, 2006.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on November 28, 2006 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Public Comments

Six members of the public signed-in at the Recommendation meeting. One individual praised both the glazing proposed for the parking podium and the terrace at the fourth floor.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Rooftop Features. 25% rooftop coverage. Additional coverage to 35% through design review.
2. Street Level Use 75% of street frontage must be occupied by listed uses. Required on Terry Ave.
3. Landscaping in setbacks. 20 % of all areas abutting a street property line and not covered by a structure shall have a depth of 10' from the property line and be larger than 300 sq. ft.

Recommendations

A. Site Planning & Massing

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

The design evolved from a folded plate roof, inspired by origami pleats, to a series of penthouses wrapped by ribbons of austere cornices capping the concrete fins and frames that embellish the four facades. The effect resembles a child's "puzzle box" with interconnecting sections which serve the tower as both weather protection and definition for the upper level terraces. The complexity of the roof form references somewhat the Mondrian-like glazing system that distinguishes the above grade garage.

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.

The Board accepted the departure request to reduce the amount of space devoted to land use code acceptable street uses from 75 percent of street frontage to 62 percent on Terry Ave. The landscape design at street level enhances the proposal's street presence.

Revisions to the lobby entrance should announce or celebrate the transition between exterior and interior space. The glass doors as shown in the packet resemble too closely the storefronts for the commercial spaces on Howell Street. In addition, the wall separating the commercial space from the residential lobby should gracefully lead the pedestrian to the residential lobby. The expression of the exterior wall should be much more beautiful.

C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

See C-1 comments for the lower portions of the building.

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

Comments focused on improving the north elevation of the podium. The Board encouraged the applicant to continue refining the façade as it is likely that the wall will remain visible for some time. Installation of a green wall is one possible solution.

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

See comments for guideline C-1.

C-5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

Board members expressed their dissatisfaction with the large angular canopy signifying the residential entrance. Although the Board found the canopy's monumentality acceptable, they asked for further refinements that would address the pedestrian experience more convincingly. Adding human scale elements, possibly changing the rake, and ensuring weather protection for pedestrians may be among several possibilities for the canopies refinement. The DPD planner will review and approve changes to the design.

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

The Board directed several modifications to the alley façade. These include revising the exterior panel and door to the transformer room to more closely resemble the other bays near the garage entrances. The Board observed that the bay stood out due to its lighter color. A change to a darker color would blend or integrate this area into the other service bays.

Board members also recommended modifications to the porte-cochere in order to create a more inviting space. The drop-off area appeared too bleak for the Board.

The Board accepted the applicant's desire to change the concrete, podium frame color at the alley to more closely match the grey, metal frames on the other facades of the podium.

D. Public Amenities

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

The Board expressed its satisfaction with the various exterior amenity space options at the different floor levels.

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

No further recommendations were offered.

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.

The literal and figurative water imagery at the streetscape and the podium level imbue the design with a distinctive sense of place. This leitmotif could be extended to other open spaces and amenity areas within the lobby and on the upper level terraces.

D-5 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, and on signage.

No further comments were offered.

E. Vehicular Access & Parking

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.

Given the auto orientation of this portion of the Denny Triangle, the Board at the EDG meeting encouraged the architects to seek a novel way of expressing the above-grade garage. The architects returned with a design that masks the garage while artfully creating a distinguished building base. Only careful scrutiny would reveal a parking garage behind the glazed patterns within the grey metal frames. The Board observed that the ensemble of the tower shaft rising from street level, the angular canopy along Terry Ave., and the two sets of frames (essentially frames framing the transparent lobby) serve to deemphasize the insistence or assertiveness of the podium so apparent in similar projects.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the November 28, 2006 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the November 28th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Street level use. SMC 23.49.009	75% of street frontage must be occupied by listed uses. Required on Terry Ave.	62% street level use on Terry Ave. A reduction from 133' to 110' (23' or 19 %)	<ul style="list-style-type: none"> ▪ Nearly full street level uses on Howell St. ▪ Unusual entry canopy at corner. ▪ Visually stimulating and accessible open space at the entry and lobby frontage. 	Approval
2. Roof top features. SMC 23.49.008C2c	Permitted roof features cannot exceed 25%. Additional combined coverage of 35% may be permitted through the design review process	Requested area exceeds the basic allowable (25%) of 2,923 sq. ft. by 997 sq. ft. Total roof area is 11,693 sq. ft. Proposed rooftop features comprise 3,920 or 33%.	<ul style="list-style-type: none"> ▪ Added trellises and large common open space on roof. 	Approval
3. Landscaping in setbacks. SMC 23.49.076G	20 % of all areas abutting a street property line and not covered by a structure shall have a depth of 10' from the property line and be larger than 300 sq. ft.	Two landscaped areas totaling 313 sq. ft. meet the dimensional requirements. Physically separated, these areas are connected by a non-complying landscaped that does not meet the 10' depth requirement.	<ul style="list-style-type: none"> ▪ Fountain added alongside sidewalk. ▪ Unusual landscaping imagery formed by the sidewalk pavers. ▪ Added landscaping in the right of way totaling more than 900 sq. ft. 	Approval

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Revise the door into the residential lobby to distinguish it from the commercial spaces and to invest it with architectural significance. (C-1)
2. Provide more expression to the exterior wall separating the commercial space from the walkway leading to the residential entry. (C-1)
3. Refine the canopy to address the pedestrian or human scale of the entry experience. (C-5)
4. Continue to refine the porte-cochere in order to create a more inviting space. (C-6)
5. Modify the door and the surrounding bay to the electrical transformer room in order to create more continuity with the other service bays. (C-6)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by the five Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated February 24, 2006) and annotated by the land use planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:

- A. Surveying and layout.
- B. Stacking the building with remote operating crane or fork lift.
- C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to warn residential neighbors of additional construction hours and to provide neighbors within the immediate area of the project with opportunities to contact the construction management office to express their noise concerns.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

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. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 53 feet and will consist of an estimated 41,000 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is estimated to last 22 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 4,100 round trips with 10-yard hauling trucks or 2,050 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Second Avenue. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Long-term Impacts

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

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. The Design Review process has contemplated height, bulk and scale issues. However, due to the size and location of this proposal, historic preservation and traffic and parking impacts warrant further analysis.

Traffic and Transportation

The proposed demolition of the Regence Blueshield Building would remove 19 surface parking spaces on-site and a curb cut. Two streets and an alley provide direct access to the site. Howell Street is a two way principal arterial and a Class II pedestrian street. Terry Avenue, a City designated green street, runs one way northwest-bound. The secondary street has two lanes with parking allowed on both sides of the street. An alley connects Howell and Stewart Streets.

The multifamily use would generate approximately 659 daily trips as estimated by the transportation consultant, Transportation Engineering NorthWest. The trip generation forecast for the residential use would generate approximately 60 vehicle trips during the PM peak hour. The majority of these trips would be inbound (66%) with the remaining 33% outbound.

The 7,200 square feet of retail use would generate approximately 141 daily vehicular trips and nine PM peak hour trips. Combined the residential and the retail uses should produce an estimated 800 new weekday trips and 69 peak hour vehicular trips. The peak hour trips would be distributed by use of the alley to Howell and Stewart Streets. During both the AM and PM peak hours, all turn movements at the alley accesses are anticipated to operate at Level of Service (LOS) B or better in 2009 with the project. These additional trips fall within the day to day fluctuation of traffic volumes at nearby intersections and would not noticeably affect intersection delay or intersection operations.

Parking

Two hundred and eighty-eight off-street parking spaces for residential and retail commercial uses are provided for in the proposed building, which meets the Land Use Code requirements for on-site parking. The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that no authority is provided to mitigate the impact of development on parking availability in the downtown zones. For these reasons, no mitigation of parking impacts is necessary pursuant to SEPA.

Historic Preservation

The existing structure, built in 1964, is under the 50 year threshold for landmark review. No comments were received to warrant a referral to the Department of Neighborhoods.

Light and Glare

The color or stain glass for the above grade garage would prevent most leakage of headlights onto Terry Ave. and Howell St.

Summary

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

DECISION - SEPA

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

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

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Revise the door into the residential lobby to distinguish it from the commercial spaces and to invest it with architectural significance.
2. Provide more expression to the exterior wall separating the commercial space from the walkway leading to the residential entry.
3. Refine the canopy to address the pedestrian or human scale of the entry experience.
4. Continue to refine the porte-cochere in order to create a more inviting space.
5. Modify the door and the surrounding bay to the electrical transformer room in order to create more continuity with the other service bays.

Non-Appealable Conditions

6. 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 (Bruce P. Rips, 615-1392). 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.
7. 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 planner assigned to this project (Bruce P. Rips, 615-1392) or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three 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.
8. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

9. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
10. Submit a construction traffic management plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 p.m.

During Construction

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

11. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.:
 - A. Surveying and layout.
 - B. Stacking the building with remote operating crane or fork lift.
 - C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
12. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

