



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: 3006744
Applicant Name: David Yuan, NBBJ Architects for Walton Smith Investors
Address of Proposal: 506 2nd Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of an existing administrative office and retail building to a 150 unit residential building with ground level retail (Smith Tower). No parking is proposed.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

Certificate of Approval – Pioneer Square Preservation Board (SMC 23.66)

SEPA DETERMINATION: Exempt DNS MDNS EIS

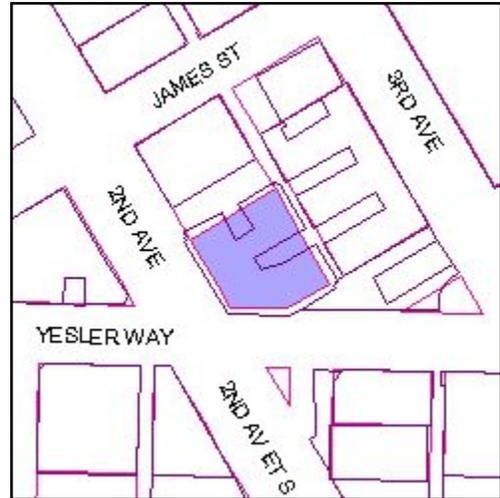
DNS with conditions*

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

* The Determination of Non-Significance was published on March 8, 2007.

BACKGROUND DATA

The proposal is located on the east side of Second Avenue, between the intersections of James Street to the north and Yesler Way to the south. Abutting the site to the north is the Florence Building and across the alley to the east is the Hotel Morrison Building. Across Yesler Way is Fortson Square, a triangular shaped public plaza space. The proposal is located in the Pioneer Square Mixed (PSM) zone and has a 100-foot height limit or 120-foot limit if residential units are included, per SMC 23.49.178. Since the proposal includes residential uses, the maximum height limit is 120 feet. The immediate area is marked by structures typical of the Pioneer Square Historic District with extensive use of brick, fenestration, storefront windows at the ground floor, strong cornice lines and other similar features. The development area of the project is approximately 12,130 square feet. The existing building located on this site, the Smith Tower, is proposed to undergo interior renovations with very few minor exterior changes as a result of the proposed change of use.



Public Comments

Notice of the project was published on March 8, 2007. The required public comment period ended on March 21, 2007. No comment letters were received.

Additional notice concerning the review of the project also occurred through the Pioneer Square Preservation Board for meetings held on March 7, 2007 and June 1, 2007.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 21, 2007 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, 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 25.05.665 D) 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. No excavation or grading activity is anticipated. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Environmental Health

With respect to air quality and environmental health impacts, no demolition of the structure is proposed. However, the interior renovations have the potential for the presence of asbestos materials that could be released to the air/environment during renovation activities. The Puget Sound Clean Air Agency has jurisdiction over this impact, but there is no reliable means of triggering their involvement other than by requiring the proponent to notify the agency of the proposal. Hence, project approval has been made contingent upon such notification.

Noise

Noise impacts will result during the renovation activities associated with this project. As these interior renovations proceed, noise associated with construction could adversely affect the surrounding uses. In the immediate area are several commercial and residential uses. Due to the proximity of these 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 25.05.675B), mitigation is warranted. The hours of construction activity shall be limited. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or successor). Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g. planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon the owner(s) and or responsible party(s) providing at least three working days' notice to allow DPD to evaluate the request.

Transportation: Truck & Equipment

The proposed construction will occur over several months and will generate significant truck trips. The Seattle Municipal Code (SMC 11.74.160) states that material hauled in trucks shall be loaded so no debris falls onto the street or alley during transport. The Seattle Municipal Code (SMC 11.62.060) also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to their destination. The area around the construction site is marked by primary arterials, non-arterial streets and limited access routes, coupled by two sports stadiums that generate large amounts of traffic. Furthermore, the ingress and egress of trucks, personnel and equipment may adversely impact circulation on the surrounding streets at the project location. These construction activities may generate adverse impacts, therefore pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. Accordingly, the applicant shall be required to submit a construction phase transportation plan to DPD for review and approval by Seattle Transportation to mitigate these impacts. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. The transportation plan shall also include plans to mitigate trips and construction related activities during regularly scheduled events at the adjacent sports stadiums, based on trip mitigation plans developed by these facilities as part of their SEPA mitigation plans.

Construction Parking

Construction of the project is proposed to last for several months. On street parking in the vicinity is limited and the demand for parking by construction workers during construction could adversely impact the demand for on-street parking, traffic flow or other aspects of downtown circulation. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan as discussed above. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Historic and Cultural Preservation

The Smith Tower is a designated City of Seattle Landmark. The applicant submitted a Cultural and Historic Resources Analysis (dated February 2007) detailing the historical structure, protected elements, as well as outlining known historic resources near the site. The proposed building alterations are under review by the Pioneer Square Preservation Board. Therefore, no further mitigation pursuant to SEPA authority at SMC Section 25.05.675.A is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare. The existing building is to remain; therefore the bulk and scale impacts will remain unchanged.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control, the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. A Certificate of Approval from the Pioneer Square Preservation Board is required, which includes code provisions to address materials, bulk and scale and other features of the built environment. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts that are not considered significant.

Air Quality

Seattle's air quality is adversely affected primarily by vehicular emissions, and the proposed project is expected to have an adverse impact on air quality, due to its associated increases vehicular traffic. However, the project-related increases in traffic on streets in the project vicinity do not appear great relative to the existing and projected background traffic. Current federal and state regulations are likely to provide adequate mitigation for impacts on air quality through restrictions on vehicular emissions. No further mitigation pursuant to SEPA authority at SMC Section 25.05.675.A is warranted.

Historic and Cultural Preservation

The subject building is a City of Seattle Landmark, as well as included within the City of Seattle's and the National Park Service's Pioneer Square Historic District. As such, any changes to this structure are subject to review and approval by the Pioneer Square Preservation Board. An application for Certificate of Approval was submitted to the Department of Neighborhoods Historic Preservation Program on February 21, 2007. The Board has reviewed the proposed renovation on multiple occasions. For these review, plans, elevations, renderings, and information on materials were supplied. A Cultural and Historic Resources Analysis, dated February 2007, was completed for the site (a copy is in the project file). This analysis addresses the known historic resources on or near the site, as well as other known sites of archaeological, scientific or cultural importance on or near the project site and the controls and proposed mitigation related to development of the project site. The Board will continue to review the proposed design, commenting on how the design will be best integrated into the greater historic district, while also recognizing its proximity to the Frye Hotel and Fortson Square. A Certificate of Approval must be obtained from the Pioneer Square Preservation Board/Department of Neighborhoods Director prior to any construction activity. Given the review by this designated body, no further conditions pursuant to SMC 25.05.675 are warranted.

Transportation

Heffron Transportation Inc. submitted a Transportation Impact Analysis dated February 5, 2007. This document, along with the SEPA checklist, was used in the transportation analysis provided below.

Traffic

As indicated above, traffic analysis for this project was prepared by Heffron Transportation Inc. dated February 5, 2007. It is projected that proposed project will generate less new vehicle trips during the daily and peak hours than the current office use based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual (Seventh Edition). The analysis concludes that there will be a net decrease of approximately 1,000 daily trips due to the proposed change of use. As such, the additional cars would not be expected to have a noticeable impact on traffic operations at the intersections. No significant impacts are expected from the change of use from office to residential. Therefore, no further mitigation pursuant to SEPA authority is warranted.

Parking

The Transportation Impact Analysis by Heffron Transportation Inc examined the parking impacts from the proposed change of use. The existing building does not include parking, however, 325 parking stalls for the current office use is provided through covenant in the nearby Butler Garage located on the northwest corner of 2nd Avenue and James Street. These spaces will continue to be associated with the Smith Tower uses. It is likely that not all of the spaces will be needed for the proposed use and this quantity may be reduced to 225 stalls. The remaining 100 stalls may be leased to other users. Based on the requirement for zero parking for residential uses downtown and the exemptions for certain commercial uses, the zoning code requires zero parking spaces for the proposed uses. Given the building's neighborhood oriented focus, downtown location, the extensive availability of transit in the immediate vicinity and the covenant parking in the Butler Garage should adequately address any parking needs associated with the residential uses. However, no code authority exists to condition the project for additional parking, as the project is located in a downtown zone and under SMC 25.05.675M such conditioning is prohibited.

DECISION - SEPA

The application is **CONDITIONALLY GRANTED.**

CONDITIONS – SEPA

Prior to the Issuance of a Construction Permit

1. To ensure that the project adequately addresses the impacts of Height, Bulk and Scale on the adjacent neighborhood, additional meetings before the Pioneer Square Preservation Board are required that highlight specific design solutions concerning the overall quality of materials and use of detailing at both the street level and upper portions of the façade, to ensure compatibility with surrounding buildings. Further, additional information concerning the proposed massing, roofline and use of materials in relation to the adjacent Landmark should also be considered. These conditions may be fulfilled through the Certificate of Approval process required for new construction by the Department of Neighborhoods and the Pioneer Square Preservation Board.
2. The owner(s) and/or responsible party(s) shall secure DPD Land Use Division approval of construction phase transportation and pedestrian circulation plans. These plans should consider impacts during construction activities. Appropriate Seattle Transportation and King

County METRO participation in development of the plans shall be documented prior to DPD Land Use Division approval. The plans shall address the following:

- Ingress/egress of construction equipment and trucks
- Truck access routes, to and from the site, for the construction phases.
- Street and sidewalk closures, including locations of re-routing pedestrian movement
- Potential temporary displacement/relocation of any nearby bus stops.
- Impacts and mitigation of trips associated with construction activities during events at nearby stadiums.

3. A Certificate of Approval for Use and Preliminary Design from the Pioneer Square Preservation Board/Department of Neighborhoods Director must be obtained.

During Construction

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

4. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or successor). Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g. planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon the owner(s) and or responsible party(s) providing at least three working days' notice to allow DPD to evaluate the request.

Signature: _____ (signature on file) Date: July 16, 2007

Lisa Rutzick, Land Use Planner
Department of Planning and Development

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