



# City of Seattle

Gregory J. Nickels, Mayor

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

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

**Application Number:** 3006356  
**Applicant Name:** Jim Light, Martin Selig Real Estate  
**Address of Proposal:** 2400 Third Avenue

### SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 3-story commercial structure including 13,500 sq. ft. of retail space at the ground floor, and 40,600 sq. ft. of office space above. Parking for 67 vehicles to be provided below grade, accessed from the alley. Existing structure to be demolished.

The following approvals are required:

**SEPA - Environmental Determination** – Chapter 25.05 SMC

**Design Review** – Chapter 23.41 SMC – with design departures for minimum façade height.

**SEPA DETERMINATION:** [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

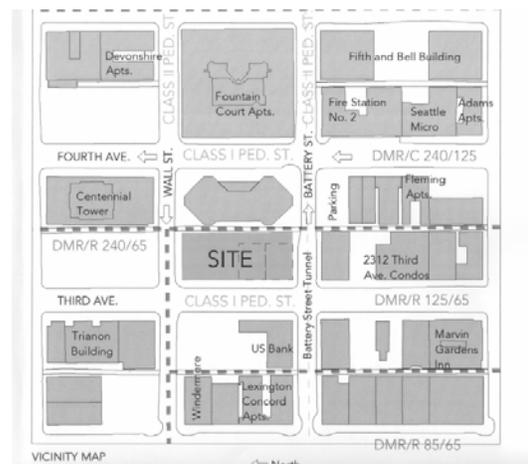
[X] DNS with conditions

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

### BACKGROUND DATA

#### Site and Vicinity Description

Located on the east side of 3<sup>rd</sup> Avenue, between Battery and Wall Streets, the subject site includes a surface parking lot and a one story commercial building to be demolished. The proposal includes constructing a three story retail/office commercial building with 1 ½ levels of underground parking. The site is zoned DMR/R 125/65, Downtown Mixed Residential with a height limit of 65’ and Floor Area



Ratio of 2, without incentives. The site (240' x 107'-9" or 25,860 sq. ft.) is gently sloped with a rise of approximately seven feet from the northwest to the southeast corner.

The subject site lies within Belltown, a mixed residential and commercial neighborhood. Located directly across the alley is the 4<sup>th</sup> and Battery Building, an office tower with views of Elliott Bay and owned by the same developer, Martin Selig. The area contains a mixture of small scale and mid-rise buildings representing an eclectic mix of office, retail and apartment structures. The Battery Street Tunnel runs adjacent to the site on the south. The 1998 Belltown Neighborhood Plan and 2004 Design Guidelines for the Belltown Urban Center Village provide special design guidance for the Belltown area.

### Proposal

The proposal is to design and construct a three-story, 68,555 sq. ft. commercial building consisting of ground floor retail and upper floor offices. One-and-a-half levels of below grade parking are proposed (approximately 68 spaces), to be accessed from the alley. The proposal also includes a green roof with a small open space area. The existing building is to be demolished.

While human services uses were initially contemplated for a portion of the first floor, utilizing exemptions from FAR calculations, the current proposal is to achieve the FAR bonus floor area through a Voluntary Agreement for Housing and Child Care cash contribution.

### ANALYSIS – DESIGN REVIEW

#### Early Design Guidance

An early design guidance (EDG) meeting was held on 2/13/07 where ideas for the design were discussed and design priorities identified by the Board. Three members of the public attended.

#### Summary of Board Guidance

- The alley façade should be designed well in light of the design of the 4<sup>th</sup> and Battery building making the alley quite visible;
- Include overhead weather protection;
- Create good street landscaping and retain the mature trees where feasible;
- Explore widening the Battery Street sidewalk to match the east half of the block;
- Provide adequate retail depth, wrapping uses into the alley, and reducing service bays in the alley to only what is necessary;
- Develop the rooftop as a valued feature;
- Articulate the long, 240' façade on 3<sup>rd</sup> Avenue;
- Enhance the streetscape for pedestrians on both 3<sup>rd</sup> and Battery Streets;
- Consider other sites under development in the area when designing the project.

#### Public Comments

- Importance of including landscaping both for Wall street to complement its residential, quiet character, and Battery Street to buffer the traffic noise and activity;

- Welcome the concept of a wider sidewalk on Battery Street.

### **EDG PRIORITIES & BOARD RECOMMENDATIONS**

The Design Review Board members identified the following siting and design guidelines from the City of Seattle's "*Design Review Guidelines for Downtown Development*" and "*Design Guidelines for the Belltown Urban Center Village*" of highest priority to this project.

A complete report of the EDG meeting is available in the Master Use Permit file.

- A-1 Respond to the Physical Environment
- B-1 Respond to the Neighborhood Context
- B-3 Reinforce the Positive Urban Form & Architectural Attributes of the Immediate Area
- B-4 Design a Well-Proportioned and Unified Building
- C-1 Promote Pedestrian Interaction
- C-2 Design Facades of Many Scales
- C-4 Reinforce Building Entries.
- C-5 Encourage Overhead Weather Protection
- C-6 Develop the Alley Façade
- D-1 Provide Inviting and Usable Open Space
- D-2 Enhance the Building with Landscaping
- D-3 Provide Elements that Define the Place
- D-4 Provide appropriate Signage
- D-5 Provide Adequate Lighting
- D-6 Design for Personal Safety and Security
- E-2 Integrate parking Facilities
- E-3 Minimize the Present of Service Areas

### **Summary of Board Guidance**

The low building mass, allowing light and views from adjacent properties with parking underground and maintenance of existing street trees are all positive aspects of this proposal. Concerns to be addressed are the alley, roofscape, landscaping, articulation of the 240' façade along 3<sup>rd</sup> Ave, and providing an enhanced pedestrian streetscape, particularly on Battery Street.

### **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on April 23, 2007. The design shows retail wrapping into the alley, widens the sidewalk on Battery Street, creates a green roof and rooftop open space, and articulates the 3<sup>rd</sup> Avenue façade with architectural treatment and pedestrian amenities.

After initial land use and zoning review addressing code items and aspects of the SEPA (environmental) analysis, a recommendation meeting was scheduled with the Design Review Board.

### **RECOMMENDATION MEETING**

A recommendation meeting was held December 11, 2007. Four members of the public registered their attendance on the sign-in sheet. Ev Ruffcorn presented the project as follows:

*The design detail and materials are intended to create a transition from the lower historic buildings in the central portion of Belltown to taller towers to the north and south. The design emphasizes a 2-story podium base, which relates to the US bank building and well as other older 2 story masonry buildings in the area. The mostly glass crystalline third floor form sits on top of the base, with terraces leading onto the podium base at each end.*

*Visual cues are taken from more modern buildings in Belltown, including the PI/Group Health Building, Banner Building, and Top Pot Donuts.*

*The chosen materials are intended to create a sense of visual stability. Textured dark granite is used for the base on all three street frontages. The material has a luminous quality, and is accented by stainless steel clad door frames. The front facade is modulated with glass spandrel material set back slightly. The 3<sup>rd</sup> floor cornice with LED illumination creates a modern interpretation of a cornice feature. The rooftop includes green roof plantings and a cylindrical form as screening for the rooftop equipment. Usable open space is featured on the west side of the cylindrical form, where a break in the screening opens onto a railed patio area, allowing views westward.*

*The alley is designed to create a public space. The alley façade is brick with windows and roll-up doors in the center for services and garbage access.*

### **Public Comments**

- Clean, well thought out, attractive design;
- Breaks in canopy at corners and at alley ends could be addressed. Corners provide a place to gather;
- The football-shaped form on the roof doesn't seem to fit the rest of the design;
- Emphasize the mid-block entry with more than just a higher height canopy;
- Is the retail designed for several smaller spaces, or will it be one large space, such as a bank? Several smaller spaces create more interest and pedestrian activity.
- The small window floating in the otherwise granite end is the only aspect of the design that has not been finessed;
- Third Avenue is a Principal Transit Street. While there is no bus stop on this block, there is a 4-block gap in bus service, historically due to social issues. Discuss with Metro the idea of re-introducing a bus stop here.
- Alley lighting – are there threshold minimums that must be met?
- What will the surface treatment of the alley be?

**Board Recommendation:**

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the applicant met the identified design guideline priorities:

Site Planning

**A-1 Respond to the Physical Environment**

**Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.**

*The design responds to the physical context by preserving views of Elliott Bay from the 4<sup>th</sup> and Battery building directly to the east. For more discussion of context, see B-1 below.*

Architectural Expression: Relating to the Neighborhood Context

**B-1 Respond to the Neighborhood Context**

**Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.**

**Belltown**

- a). **Establish a harmonious transition between newer and older buildings.**
- b). **Reference period architecture in a contemporary manner.** c). **Create contemporary architectural solutions.**
- d). **Reinforce Belltown's unique qualities, such as an active street life.**

*The architect's presentation highlighted the many features of the design that draw from the context, integrating a response to the historic buildings in the area with the modern ones, including the 2-story granite base, articulated façade with granite columns modulating large glass windows, and illuminated cornice feature. The Board stated that the design did an excellent job of fitting within the context.*

**B-3 Reinforce the Positive Urban Form and Architectural Attributes of the Immediate Area**

**Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.**

### **Belltown**

a). Respond to the regulating lines and rhythms of adjacent buildings that support a street-level environment, such as cornice lines, doors, windows, structural bays and modulation.

c). Pay attention to excellent fenestration patterns and detailing in the vicinity. The use of recessed windows that create shadow lines, and suggest solidity is encouraged.

*The building defines and holds the space well, with its combination of substantial granite materials and lighter glass accents. The cantilever of the upper two floors along 3<sup>rd</sup> Avenue with floor to ceiling glass, overhead weather protection and lighting are successful in defining a pedestrian space along the street.*

### **B-4 Design a Well-Proportioned and Unified Building**

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

*The Board finds the articulation and fenestration patterns of the 3<sup>rd</sup> Avenue façade to be effective in modulating the length of the façade, as well as tying the building in to the context. The design of the rooftop with open space and a green roof helps to create an amenity for both building occupants and adjacent building occupants who will view the space.*

The Streetscape: Creating the pedestrian Environment
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### **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.

#### **Belltown:**

In Belltown, the sidewalk provides the greatest amount of open space, and is the essence of the pedestrian experience.

a) Reinforce existing retail concentrations;

b) Vary the size, width, and depth of commercial space to accommodate smaller businesses where feasible; c) Incorporate pedestrian-scale elements

d) Emphasize corners as meaningful open space if feasible and use iconic corner identifiers to draw people to the site. Consider configuring retail space to attract uses that spill out onto the sidewalk (up to six feet where sidewalk is sufficiently wide).

Improvements in the right-of-way require approval from SDOT; safety and maintenance should be resolved prior to the final land use decision.

*Wrapping the retail into the alley, widening the sidewalk on Battery Street, and proposing significant street landscaping all help to promote pedestrian interaction and are valued responses to the priorities outlined.*

**C-2 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.**

*The granite cladding stacattoed with large windows and stainless steel accents, the overhead lighting and overhead weather protection, all serve to create a human scale.*

**C-4 Reinforce Building Entries.**

**To promote pedestrian comfort, safety, and orientation, and reinforce the building's entry.**

*Using a higher canopy above the main entrance on Third Avenue helps to emphasize the entry; however, the entrance area should be better accented at the street level with additional landscaping or an art feature.*

**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.**

**Belltown**

**Noteworthy awnings and canopies in Belltown are pictured in the Guidelines, along with specific strategies: Minimize gaps in coverage; provide a drainage strategy that keeps rain water off the façade and sidewalk; pay attention to the scale of the space defined by the height and depth of the weather protection; use translucent or transparent covering material to maintain natural light; if opaque materials are used, illuminate the undersides for security after date.**

*Overhead weather projection has been provided along all street frontages. However, there is a break in the awnings at the corners. The proposed Wall Street canopy is lower to relate to the residential across the street, creating a more intimate scale. While the idea of connecting the awnings was discussed, the 4 members recommended that the weather protection provided was adequate and served to enhance the design.*

**C-6 Develop the Alley Façade**

**To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.**

**Belltown**

**Service and utilities should be screened or otherwise hidden from the view of the pedestrian. Screen loading docks and truck parking from public view using building massing, architectural elements and/or landscaping. The alley façade should be**

**treated with form, scale and materials similar to the rest of the building to create a coherent architectural concept.**

*The amount of façade devoted to loading and service areas has been minimized. The retail wraps around the corners into the alley, complete with windows along the ground floor at the alley ends, and 2<sup>nd</sup> stories windows along the entire alley façade.*

Public Amenities: Enhancing the Streetscape and Open Space

**D-1 Provide Inviting and Usable Open Space**

**Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principle area of the open space should be especially emphasized.**

**Belltown:**

**Consider such items as fountains, art work, landscaping planters with ledges for seating.**

*Open space has been provided by articulating the building entries, widening the sidewalk on Battery Street, and providing a large radius at the street corners. The roof form has been enhanced with a cylinder-shaped screening for the rooftop equipment. The board debated the design of the cylinder and whether this fit with the rest of the architectural concept. In the end the Board left the decision regarding the design of the rooftop screening to the architects.*

**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.**

**Belltown:**

**New developments are expected to build on Belltown’s tradition of distinctive landscape elements. For instance, emphasize entries with special planting in conjunction with decorative paving and/or lighting.**

*Landscaping and sculptural seating reflecting the granite material in the façade are proposed along Third Avenue. The existing Honey Locust trees along Third Avenue are diseased and SDOT is encouraging their replacement with redevelopment; the trees will be replaced with hybrid Elms. The landscape plan includes substantial additional areas of planting along Third Avenue and on Battery Street. The existing Sweet Gum trees will be retained on Wall Street.*

*The rooftop has been enhanced with both green roof plantings, and an area of usable open space.*

**D-3 Provide Elements that Define the Place**

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

**Belltown:**

**Belltown is eclectic, diverse, eccentric and whimsical. New developments should incorporate elements on building facades, within open space, or on the sidewalk that refer to the neighborhood’s rich art and history.**

**- *Art and Heritage.* Consider art, plaques or street furniture that references Belltown’s Heritage.**

**- *Street Hierarchy.* 3<sup>rd</sup> is considered a promenade street, as well as a transit street. Public amenities are especially important.**

**- *Street Edge/Furnishings.* Pedestrian crossings should be “exaggerated,” that is they should be marked and illuminated in a manner where they will be quickly and clearly seen by motorists.**

*The Board wants to see a central feature along the 3<sup>rd</sup> Avenue façade, potentially landscaping that helps to define the entry. The idea of a sculpture was also discussed as something the owner may want to pursue. The Board wants to see an addition here that would help to create a unique place along the street front.*

**D-4 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.**

**Belltown:**

**a). Use signs to add a human dimension to street-level facades.**

**b). Show creativity and individual expression in the design of signs.**

*The sign concept depicted in the recommendation packet, where signs are suspended below the canopy along the sidewalk, is very effective in defining business location.*

**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 façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage.**

**Belltown:**

**a). Illuminate distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest.**

**c). Orient outside lighting to minimize glare within the public right-of-way.**

*The lighting concept greatly enhances the façade, from the lighting recessed into the 2<sup>nd</sup> story overhangs to the illuminated cornice, and translucent materials in alley service doors to create a lantern effect.*

*The Board directed the applicant to provide additional exterior lighting in the alley so that the environment would not be solely dependent on the interior operations of the building.*

**D-6 Design for Personal Safety and Security**

**Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.**

*The proposed street furniture design is both artistic and appropriate for a retail environment in that it provides accents usable for short rests, while being brief enough to discourage prolonged use.*

**Vehicle 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.**

*The location of the parking off the alley and a garage design that minimizes the amount of alley façade necessary for services has effectively met this guideline.*

**E-3 Minimize the Presence of Service Areas**

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

*The service areas are located within the garage area and screened from view.*

**DEVELOPMENT STANDARD DEPARTURES**

The applicant is proposing a 25' length for loading berths rather than 35'. The code allows the length to be reduced to 25' if the shorter length is determined to be adequate. (SMC 23.54.035 C.2.c. (ii) A diagram should be submitted to DPD showing turning diagrams to illustrate adequacy of the 25' length. If there are any zoning code issues with the loading, the Board is amenable to

granting a departure to facilitate loading that minimizes the service areas of the façade, providing feasibility can be demonstrated.

### **BOARD RECOMMENDATIONS:**

At the recommendation meeting on December 12, the 4 members of the Downtown Design Review Board present unanimously recommended Approval of the project with the following recommended conditions to be worked out administratively by the DPD prior to approval of the final MUP plans:

- 1. More attention to alley lighting. Instead of relying solely on the lantern effect of the internal building lighting shining through windows and service doors, the Board wants to see exterior lighting in the alley to ensure the lighting remains on during the night.**
- 2. Add enhanced plantings and/or a sculpture as proposed by the applicant near the 3<sup>rd</sup> Avenue entrance.**
- 3. Design attention to the windows at the corners of the building. The Board recommends creating similar transparency at the building corners to what was shown, but with proportions that better fit with the overall design.**
- 4. Where the overhead weather protection becomes higher over the main entrance, overlap the higher and lower awnings to provide continuous coverage that addresses Seattle sideways rain conditions.**

### **DIRECTOR'S ANALYSIS AND DECISION - 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. The Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by the four Board members and the recommendation to approve the design, as stated above.

The applicant has responded to the Board's recommendation and conditions with revised plans that address the items as follows:

1. Lights have been added to the outside of the alley façade to ensure the alley is adequately illuminated.
2. To enhance the 3<sup>rd</sup> Avenue entrance, the applicant has recessed the main entry an additional 12" and changed the paving type in front of the entry to a smaller grid pattern and different color.
3. The applicant has worked to show the concept of the corner windows as display windows that are necessarily different in size and proportion from other windows. They are distinguished from other windows by their placement in the stone ends with differing backdrops. A sketch is

included in the MUP plans. In the department’s judgment, the display window design as clarified creates a focal point on the corner that serves the transparency function and fits with the overall design.

4. The higher awning over the main entry has been overlapped with the lower entries over adjacent sections of the building to reduce potential rainwater from blowing or sleeting under the higher awning.

In addition to conditions discussed by the Board, several items have come up after the recommendation meeting that need to be addressed.

1. The department finds that a departure would be necessary regarding the required 35’ minimum façade height for a small portion of the façade on 3<sup>rd</sup> Avenue in order to approve the design as shown to the Board. The design consists of two interlocking forms, the mostly glass, 3 story structure facing 3rd Avenue is capped at the ends by a 2 story stone section facing Battery and Wall Streets that contains an open deck. The floor heights of the 2-story section have been raised as much as possible, but still the 2-story stone sections at the ends of the building are about 2’ short of meeting the minimum façade height for only about 10 feet on the south end of the building facing 3<sup>rd</sup> Avenue. The Board was very enthusiastic about the overall form of the design, and the Director finds that this minor departure meets the intent of the code regarding minimum façade height. The 3rd story decks enhance activity and presence on the street, and contribute to the design effect on Third Avenue by setting off the 3-story glass structure, and to the function of the façade by allowing open space for building occupants.

DEVELOPMENT STANDARD	DEPARTURE REQUEST	JUSTIFICATION	Department’s Recommendation
<p><b>SMC 23.49.162B2 Minimum Façade Height</b></p> <p>A minimum façade height of 35’ is required along 3<sup>rd</sup> Avenue.</p>	<p>A height of 32’ to 33’ for a 10’ section of the 240 foot façade.</p>	<p>The reduced height meets the intent of the code for minimum building height by allowing for a plaza area above this.</p>	<p>While the departure was not called out to the Board, the Department finds that the departure is in keeping with the priority guidelines and the Board’s direction on the project and supports the Departure.</p>

2. Subsequent to the recommendation meeting, the State Department of Transportation has approached the property owner with a request to obtain a permanent emergency egress easement across a portion of the property from the Battery Street Tunnel. The Battery Street Tunnel is being upgraded for safety issues, and currently does not include an emergency egress on the north side of the tunnel. The proposed project at 3rd & Battery is well situated to provide an emergency egress – consisting of a stairway, starting at the garage level (physically separated from the garage space itself) and emerging into the alley. The owner has been working with WSDOT to modify the plans to provide such an easement. The initial proposed design for the stairway ran parallel to the alley, and would have replaced a portion of the façade currently shown as windows with enclosed stairway.

The Department supports the proposed emergency access, providing that the stairway is either reoriented perpendicular to the alley to preserve the transparency of the windows along the alley, or that a stairway parallel to the alley is designed with glass blocks or other feature that enhances transparency. Due to timing of the two projects, the details of the stairway are proposed to be finalized as part of the Building Permit review. DPD therefore places a condition on the decision allowing the Design Review Planner or Supervisor to review and approve a change to the alley façade meeting the above described parameters as part of the building permit review.

Finally, the Director finds the following item, not addressed by the Board would be a valuable addition to the project.

3. The Belltown Guidelines direct the creation of place-making features that pay tribute to Belltown's history. This is done through art, through retaining elements of streets or buildings from earlier eras (e.g. cobblestone/brick pavement) or through the installation of plaques or other features that pay tribute to the place's part in Belltown history. Given the unique location of the project on Battery Street, where the noise from the tunnel creates design challenges and opportunities, the applicant shall submit to DPD for review and approval, concepts for achieving a place-making plaque or art feature along Battery street related to the Battery Street tunnel or other element of the site as it relates to Belltown's heritage.

### **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**, subject to the previously stated Board recommendations and three items outlined under the Director's analysis. The conditions of Design Review approval are summarized at the end of the document for reference.

### **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 April 23, 2007) and annotated by the Land Use Planner, and in the Transportation Impact Analysis (dated August, 2007). 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 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.

In addition 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 7 PM. to 6 PM. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 PM. and 6 PM. 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.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

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.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Earth

The Stormwater, Grading and Drainage Control Code (SGDCC) 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 proposed project involves removal of 22,100 cubic yards of material and fill of approximately 970 cubic yards.

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 1.5 levels of underground parking reach to 20 feet below grade. Excavation of 22,100 cubic yards of material will be removed from the site and 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 proposed to last approximately 12 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed of off-site. Excavation and fill activity will require approximately 1,105 round trips with 20-yard hauling trucks (a truck load every 5 minutes for about 2 ½ weeks). Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible.

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 and alley access around the site will be maintained during the construction period. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Given the one-way nature of Wall Street, trucks may want to queue on the street while loading. If the trucks queued on the north side of the street under the windows of the adjacent residential building, idling truck noise and exhaust could impact the residential uses. Therefore, trucks hauling materials to and from the project site will not be allowed to queue on the north side of Wall Street.

### 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 replacement of existing large street trees on Third Avenue (although diseased) with smaller new trees.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: 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. However, due to the location of this proposal, traffic impacts warrant further analysis.

### Air Quality

Operational activities, primarily vehicular trips associated with the project and the projects' 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, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Traffic and Transportation

The proposed project would generate approximately 560 net new daily trips and 65 net new off-site trips during the weekday PM peak hour. The concurrency analysis indicates that City's concurrency standards would be met with the project. There were no intersections where the project caused an intersection to fall below acceptable levels of service.

The impact of eliminating the existing parking lot, and the amount of parking overspill from the project was analyzed. A small overspill is projected from the new project at peak hours (13 cars); the existing parking lot accommodates approximately 40 vehicles. It is anticipated that surrounding lots have the capacity to accommodate both the small overspill, as well as the cars displaced from the current parking lot.

### 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 the Building Permit

1. Any revision to the design regarding an emergency egress from the Battery Street Tunnel that affects the façade of the building shall be subject to review and approval by the DPD Land Use Planner assigned to the project (Holly Anderson, 233-7909) or the Design Review Program Manager to ensure that transparency is retained with any redesign through the orientation of the stairway, or through the use of glass blocks or other design features.

#### During Construction

2. Ensure that all materials and canopies presented in the Recommendation packet and on the material boards are included on the building.

#### Prior to Building Permit Final

3. Submit to DPD for review and approval concepts for achieving a place-making plaque or art feature along Battery Street related to the Battery Street Tunnel or other element of the site as it relates to Belltown's heritage.

*Non-Appealable Conditions*

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the DPD Land Use Planner (Holly Anderson, 233-7909) or Design Review Program Manager. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
5. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner (Holly Anderson, 233-7909), or by the Design Review Program Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
6. 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*

7. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
8. Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT Traffic Operations Division (Marilyn Vancil) for review and approval prior to the beginning of construction. This plan also shall indicate how pedestrian connections and alley access around the site will be maintained during the construction period. Large trucks (greater than two-axles) will be prohibited from entering or exiting the site after 3:30 PM.

*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.

9. 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 7 PM to 6 PM. 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.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

10. Trucks hauling materials to and from the project site will not be allowed to queue on the north side of Wall Street to avoid impacts to the adjacent residential use.

11. Measures identified in the construction Transportation Plan shall be implemented.

Signature: \_\_\_\_\_ (signature on file) Date: July 31, 2008

Holly E. Anderson, Land Use Planner  
Department of Planning and Development

HEA

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