



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 Numbers:** 3006834

**Applicant Name:** Chris Appleford of NBBJ Architects, for S/I Seattle Investments IV, LLC

**Address of Proposal:** 505 Madison Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 38 story office building with approximately 6,176 square feet of retail at ground level. Parking for 481 vehicles will be provided below grade. Both existing structures will be demolished. Project includes an Addendum to the Downtown Height and Density Changes Environmental Impact Statement, dated January 2005.

The following approvals are required:

**Design Review** – Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following Code sections:

SMC 23.49.018 (Overhead Weather Protection), SMC 23.49.056.B (Street Façade Set-Backs), and SMC 23.49.058 (Upper Level Development Standards – Maximum Façade Length).

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA Determination:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

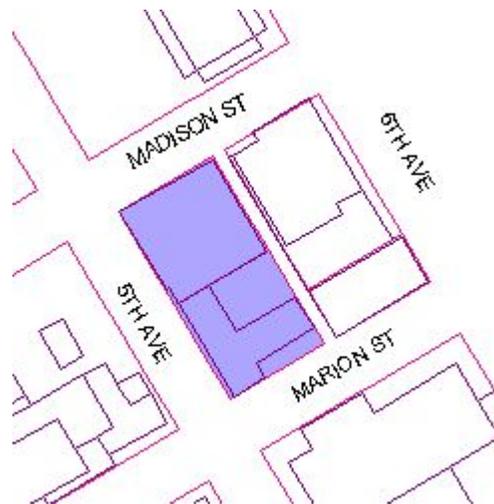
An **Addendum** to the *Downtown Height & Density Changes EIS* was prepared for the City of Seattle Department of Planning and Development, in compliance with SMC 25.05.625 and the State Environmental Policy Act. RCW 43.21C, WAC Chapter 197-11-620. Notification of Availability of the Addendum was made August 4, 2008 in compliance with SMC 25.05.625.

## **BACKGROUND INFORMATION**

The project proposes to construct a 38 story office structure (originally proposed 40) consisting of one level of retail / commercial use at street level and topped by a second level tenant amenity “business commons” and 36 stories of office space for a total of gross floor area of 800,437 square feet. Parking for approximately 481 vehicles will be provided in seven levels of below grade parking (approximately 201,230 square feet). The project proposes all vehicle access from a modified alley access on the site’s southeast corner. The existing three-story office and College Club buildings on site will be demolished.

The site measures 240 by 120 feet and is bounded by 5<sup>th</sup> Avenue to the west, a north to south alley along the east side and Madison and Marion Streets to the north and south respectively.

The site area is approximately 28,800 square feet. The topography is moderately steep with an elevation gain of 17 feet west to east along the north and south property boundaries, and an elevation drop of 12 feet north to south along the west (5<sup>th</sup> Avenue) and east (alley) property boundaries.



The surrounding development consists of the 27-story Madison Renaissance Hotel and the six-story Dover Residential Apartments across the alley to the east. Both front on 6<sup>th</sup> Avenue across from Interstate 5.

The surrounding blocks consist of the 42-story Bank of America Plaza tower to the south, the two-story United Methodist Church southwest across 5<sup>th</sup> Avenue, the 42-story Union Bank of California tower to the west along with the recently completed new residential tower. Across Madison Street to the northwest is the Seattle Public Library Main Branch. Directly across Madison Street to the north are the Nakamura Federal Courthouse and its large park-like setback facing 5<sup>th</sup> Avenue.

The site and surroundings are zoned Downtown Office Core 1 with a 450 foot height limit (DOC 1-450). Fifth Avenue is a Class I Pedestrian Street. Madison and Marion Streets are Class II Pedestrian Streets.

### **Public Comments**

The two week Master Use Permit public comment period began June 21, 2007. Public comment was also elicited at the Early Design Guidance meeting (held March 27, 2007) and two Recommendation meetings (held September 11, 2007 and March 25, 2008). No comments were received during the two week MUP comment period. However, public comment was received at all Design Guidance meetings and are available in the MUP project file at DPD.

## **ANALYSIS—BONUS FLOOR AREA**

The project proposes a (chargeable) floor area ratio (FAR) of 24.9 (the Land Use Code maximum FAR of 20 for lots in this downtown zone plus additional floor area through the Combined Lot Provisions of SMC 23.49.041). The Downtown Office Core 1 (DOC1) base FAR is 6 (172,140 square feet for this site). SMC 23.49.020 requires the first additional increment of FAR to be

achieved through building to a LEED® Silver Rating (28,690 square feet for this site). The Dover Apartment site has approximately 141,000 square feet of floor area that it will contribute to this development, while retaining a .42 FAR for its site. In combination both sites allow for approximately 248,230 square feet of development through base FAR and the additional LEED increments.

Additional floor area of approximately 466,570 square feet from the combined lots will be achieved through the “payment” option of the Voluntary Agreements for Housing and Childcare provisions of SMC 23.49.012 (75%) and the Bonus Floor Area for Amenities of SMC 23.49.013 (25%). (The final square foot bonus amount will be determined during construction permit review.) A cash payment toward Green Street type improvements to 5<sup>th</sup> Avenue between Spring and Madison Streets, 5th Avenue between Madison and Marion Streets, and the Madison Street overpass above Interstate 5 (separate from the Code required street improvements of SMC 23.54) will provide most of the amenity requirement of 23.49.013. The remaining increased floor area will be achieved through Major Performing Art's Facilities (MPAF) Transfer of Development Rights (TDR).

The bonus development under the above provisions shall be incorporated into the MUP plan sets prior to MUP issuance. Any requirements for documentation, execution of agreements, demonstration of valid transfer, and the recording of applicable instruments must occur before any construction permit, other than a shoring or foundation permit, is issued. Provided these requirements are all met, the bonus development allowed through the transfer of development is approved.

### **ANALYSIS – REDUCED ON-SITE OPEN SPACE**

Open space equaling 20 square feet for each 1,000 square feet of office gross floor area is required in this zone for projects exceeding 85,000 square feet. 14,716 square feet of open space is required for the proposed project size. The project proposes to provide 3,486 square feet of open space between the building entrance and the Madison Street sidewalk on the buildings north side and 4,000 square feet on the roof, for a total of 7,486 square feet. The balance of required open space would be provided through the payment in lieu provision of SMC 23.49.016.D whereby the developer will make a cash contribution per square foot toward Green Street type improvements to 5<sup>th</sup> Avenue between Spring and Madison Streets, 5th Avenue between Madison and Marion Streets (separate from the Code required street improvements of SMC 23.54 and cash contributions toward these improvements for bonus floor area outlined above).

Any requirements for documentation, execution of agreements, demonstration of valid transfer, and the recording of applicable instruments must occur before any construction permit, other than a shoring or foundation permit, is issued. Provided these requirements are met, the payment in lieu of the provision of on-site open space is **Approved**.

### **ANALYSIS – DESIGN REVIEW**

The Early Design Guidance meeting was held March 27, 2007. An initial Recommendation meeting was held September 11, 2007. Because of outstanding issues on vehicle access, open space location and configuration, and architectural design details, a second Recommendation meeting was required. Following approval by DPD of an alternative alley vehicle access location, the final Recommendation meeting was held March 25<sup>th</sup>, 2008. Three *Design Departures* were

presented and discussed at this final meeting. The Board's *Recommendations* below follow each priority guideline (initial Board guidance and interim recommendations are contained in the EDG and initial Recommendation reports that were distributed to all parties of record and are available in the MUP project file at DPD).

**A. Site Planning & Massing**  
***Responding to the Larger Context***

**A-1 Respond to the physical environment.** The Board feels the relocation of the tower roof open space successfully responds to this guidance. It noted that while the increased tapering of the building corner at the Marion Street alley is an improvement, it seems minimal and a "greater gesture" is possible and should be explored. The Board ***Recommends*** approval of the design provided submittal of further developed chamfering in response to this guidance is submitted for review and approved by the project planner.

**A-2 Enhance the skyline.** The Board supports the inclusion of the large mullions and horizontal fins to add visual interest to the tower. The Board ***Recommends*** approval of the presented design elements related to this guidance.

**B. Architectural Expression**  
***Relating to the Neighborhood Context***

**B-1 Respond to the neighborhood context.** The Board agreed with the applicant on the light and modern direction of the tower materials and expression. It supports the design direction of the proposed Madison Street open space connection between the main entry, sidewalk, and plaza at the secondary level entry.

After considerable discussion the Board accepted the exclusion of the southwest corner (Marion Street) lobby for the purpose of maximizing the vitality of the retail spaces along 5<sup>th</sup> Avenue and Marion Street. Some of the discussion focused on the incomplete information about the materials at the base and blank wall spaces along Marion Street. In the end the Board supported the exclusion of a Marion Street lobby and ***Recommends*** approval.

**B-3 Reinforce the positive urban form & architectural attributes of the immediate area.** The proposed extended screen wall is off-set by the higher mechanical penthouse uphill to the east, although the east tower screen wall is then lower than both. The higher extended screen wall now serves to protect the roof open space and, with its proposed internal lighting design, enhance the architectural expression. The Board ***Recommends*** approval of the proposed design.

**B-4 Design a well-proportioned & unified building.** The Board commented on the inconsistencies between many of the full drawings and larger scale studies regarding colors and proposed materials. However, after clarifying questions and comments the Board expressed support for the roof and roof open space lighting concept, tower articulation (large vertical mullions, horizontal fins, and vision and spandrel glass arrangements), and transition between the varied elements of the base and tower. Approval is ***Recommended*** following submittal of the final determination of the above elements and for review and approval by the project planner.

## **C. The Streetscape**

### ***Creating the Pedestrian Environment***

**C-1 Promote pedestrian interaction.** See Board discussion above regarding a southwest building entry. The Board feels the “Business Commons” proposed for the building’s second level is a strong addition to the project. (DPD note: because it is not “open to the sky” as required by Code, it can not substitute for the required open space. A “fee in lieu” payment toward Green Street style improvements to surrounding streets, per SMC 23.49.016.D, is expected to be the method of complying with the open space requirements.) Approval of the proposed design is ***Recommended***.

**C-2 Design Facades of Many Scales.** The presented design included further development of the building base, but no details of the garage opening other than a plan view. As the Board noted, the base was presented in vignettes, not in details. However, the Board ***Recommends*** approval based on the design direction shown. To fully comply with the DPD approval of the alternative alley access, details of the garage opening (showing minimum opening height and width and a high quality of materials within the opening to minimize negative visual impacts of the opening from the street) must be presented to the project planner for review and approval.

**C-3 Provide active—not blank—facades.** The Board noted that the project proposes many strong responses to this guidance (alley façade, full retail and lobby along 5<sup>th</sup> Avenue, open space and entry sequence along Madison Street). The Board inquired why some blank façade areas along Marion Street are included. Following discussion of the need for more building base detail, the Board ***Recommended*** approval of the project design direction.

DPD is also concerned that the Marion Street level design insures a visually interesting, although secondary frontage. Per comments above, details of the proposed retail and building entry along Marion Street must be submitted to the project planner for review and final MUP approval.

**C-4 Reinforce building entries.** Again, after discussing the need for a southwest entrance to give the building north and south access points, the Board agreed to defer to the applicants on their determination that an expected southwest lobby escalator would compromise the viability of its abutting 5<sup>th</sup> Avenue retail area. The Board also agreed to defer to the developer’s assertion that a secondary entrance mid-way along Marion Street would not be used or improve the pedestrian environment to the same degree as retail. The Board therefore ***Recommends*** project approval without a Marion Street general building entry.

Per guidance throughout this report, further development of the proposed south retail entry and surrounding façade must be submitted for review prior to MUP approval to assure a supportive pedestrian environment between the corner retail façade and the proposed parking garage entry / exit.

**C-5 Encourage overhead weather protection.** Continuous OHWP is supplied on Marion Street and 5<sup>th</sup> Avenue where required by Code. No OHWP, or departure from this requirement, is necessary along Madison Street because the building is greater than 5-feet from the street property line.

The Board **Recommends** approval of the *Design Departure* for OHWP height along a small section of 5<sup>th</sup> Avenue for the reasons given in the Design Departure Matrix in the second Recommendation meeting report.

**C-6 Develop the Alley Façade.** The Board **Recommends** the design proposed for the alley façade, except for the extent of alley corner chamfering, as noted in A-1 above.

#### **D. Public Amenities**

##### ***Enhancing the Streetscape & Open Space***

**D-1 Provide inviting & usable open space.** The proposed location and configuration of the roof and Madison Street open space areas meets the guidance given, per the Board comment throughout this report. The Board **Recommends** approval.

**D-2 Enhance the building with landscaping.** The Board **Recommends** approval.

**D-4 Provide Appropriate Signage and D-5 Provide Adequate Lighting.** The Board **Recommends** approval.

##### **E. Vehicular Access and Parking**

**E-1 Minimize Curb Cut Impacts and E-2 Integrate Parking Facilities.** The Board was pleased that a solution to maximize viable retail space along 5<sup>th</sup> Avenue was found (through the provision of a combined alley and driveway access). Per the comments above, the Board **Recommends** approval of the resultant enlarged Madison Street open space and entry area.

#### **DIRECTOR'S ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the above *unanimous Recommendations* of the four Design Review Board members present at the Downtown Design Review Board meeting held on March 25, 2008, and finds that they are consistent with the City of Seattle Design Review Guidelines for Downtown Development and that the three development standard *Design Departures* result in an improved design solution and better meets the intent of the Design Guidelines than would be obtained through strict application of the Seattle Land Use Code.

Pursuant to the recommendations of the DRB for further development and planner approval of the four design items discussed above (in A-1, B-4, C-2, C-3, and C-4) the applicant submitted detailed drawings of these items to the DPD planner (dated April 15, 2008 and available in the project file) and updated the MUP plans (dated April 22, 2008), therefore DPD finds the submitted responses as follows:

- The proposed structure's southeast corner across from the Dover Apartments has been further chamfered (Guideline A-1).
- The relevant MUP plan sheets for (named) colors and proposed materials have been made consistent (Guideline B-4). Color elevations must still be submitted in the final MUP sets for review and approval.
- Garage opening details showing minimum opening height and width and a high quality of materials have been provided (Guideline C-2).

- The proposed retail and building entry and façade between this and the garage opening along Marion Street are visually interesting and should create a pedestrian supportive environment at street level (Guidelines C-3 and C4).

Consequently, the Director finds that the final design presented in the April 22, 2008 dated MUP plan sets, along with the recommended development standard departures should be **Approved**.

### **ANALYSIS – SEPA**

DPD has determined that for SEPA compliance associated with proposed development, it is appropriate to adopt the Downtown Height & Density EIS (January, 2005) and to prepare an EIS addendum to add project-specific information. This analysis relies on the document, 505 Madison Street Development, an Addendum to the Downtown Height & Density Changes EIS and issued on August 4, 2008, by the lead agency, the City of Seattle Department of Planning and Development. These environmental documents outline the probable and significant adverse impacts likely to be created by the proposal. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as outlined in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required. The project is expected to have both short and long term impacts, thus further analysis is necessary.

### **Short-Term Impacts- Construction-Related Impacts**

#### **Traffic**

Construction of the project would generate truck and other vehicle traffic associated with excavation, earthwork, and delivery of materials. Approximately 80,000 cubic yards of material will be excavated and removed to an approved site. This material removal will generate roughly 8,000 truck round trips over a 12 week time frame. This number of trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled. Staging of trucks in the immediate vicinity of the site during excavation and concrete pouring has the potential for localized traffic disruptions. Due to this anticipated construction traffic the project is **Conditioned** to provide a Construction Transportation Management Plan approved by the Seattle Department of Transportation (SDOT) (in consultation

with DPD if necessary) to the Land Use Planner. The submitted Construction Transportation Management Plan should include identification of proposed truck routes, the manner safe pedestrian travel adjacent to the site will be maintained for the duration of construction, and a limitation on truck trips after 3:30 PM

Public sidewalks are found on the three abutting rights-of-way. All three streets will be particularly affected by the proposed construction. Fifth Avenue and Madison Streets are major arterials with significant pedestrian and vehicular traffic. Since the safe, convenient and comfortable movement of pedestrians is an essential and indispensable function of the public right-of-way, especially in this downtown location, SEPA policy authority will be employed to **Condition** that the sidewalks along the project site are kept open and safely passable throughout the construction period. A determination by SDOT that temporary closure of a sidewalk for structural modification or other purposes shall temporarily overrule this **Condition**.

#### Demolition and Excavation

Site excavation will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Compliance with the International Building Code and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to the existing combined storm / sewer main system. A drainage control plan, including a temporary, erosion and sedimentation control plan and detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

#### Noise

The project is estimated to take approximately 30 months from the start of demolition activities through the issuance of a Certificate of Occupancy. Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction, such as but not limited to demolition, shoring, and excavation. Compliance with the Noise Ordinance (SMC 22.08) is required and limits the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the lengthy construction schedule and the nearby residential uses additional measures to mitigate the anticipated noise impacts are necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance are necessary. However, it is also recognized that some construction-related activities (e.g., surveying and layout, stocking the

building, testing and tensioning of post-tension cables, etc.) will generate little or no noise, and could substantially shorten the construction schedule. Consequently, as a ***Condition of Approval*** in addition to the Noise Ordinance requirements, the proponent will be required to submit a ***Construction Noise Management Plan*** to the Land Use Planner and to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays, Sundays, and holidays between 9:00 a.m. and 6:00 p.m.

The submitted ***Construction Noise Management Plan*** shall include an identification of known sensitive noise receiving sites and the following noise control measures, at a minimum, such as:

- Timing Restrictions (on hours as ***Conditioned***) and on impact types of equipment like pavement breakers, pile drivers, jackhammers, and blasting tools and other impulse noise sources
- Noise Reduction Construction Technologies, such as:
  - a) “Smart Alarms” for all hauling trucks will be used.
  - b) Back-up alarms will not be allowed to operate from 10 p.m. to 7 a.m. on weekdays and before 9 a.m., or after 10 p.m. on Saturdays.
- Process Modifications:
  - a) Concrete truck staging will be done off-site to minimize the impact of street-level truck traffic. Any location is expected to be in an industrial area and trucking routes will be coordinated with SDOT.
  - b) Pre-fabrication of construction assemblies at off-site locations, when possible, to minimize on-site manpower and noisy activity.
  - c) Off-site processing of building debris during demolition;
  - d) A compliance statement for the ***Construction Noise Management Plan*** will be included in all subcontracts for this project.
  - e) General Contractor designation of an individual (or individuals) who will be a construction site contact for the surrounding residential community in the event of noise complaints. This contact shall be responsible for notifying the surrounding community at least 48 hours in advance of any work outside of the allowed work hours / restrictions once approval by DPD is obtained.
  - f) To assure public awareness of the CNMP and the ability of the public to contact the general contractor contact in the event of a possible noise violation, the CNMP shall be posted on site and visible from at least the 5<sup>th</sup> Avenue and Marion Street fronts and shall also include a 24-hour telephone contact number of the general contractor contact with authority to investigate and stop, if warranted, noise generation in conflict with these ***Conditions*** and the City Noise Ordinance.
- These mitigation measures and the Construction Noise Management Plan shall be included with all issued building permit plan sets and shall be binding on the project general contractor and subcontractors.

### Exceptions to SEPA Noise and Work Hour Limitations

The Department recognizes there may be occasions when critical construction activities or those of an emergency nature, related to safety or traffic issues, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions either with regard to time limits or noise intensity levels. Such work must be approved by the Department on a case-by-case basis and, except in the case of bona fide emergencies, requests for these allowances should be made at least three days before being allowed to occur.

The Department also recognizes that in some cases work after normal hours could lessen traffic impacts or could substantially shorten the total construction time frame, and hence the duration of some impacts. Excavation below grade, below grade concrete-pouring / foundation work, and other construction activities with proper noise reducing technologies and management practices in place may be candidates for after-hours work and may be allowed if set forth in the required Construction Noise Management Plan prepared and submitted for DPD approval before any phase of construction begins.

### Air Quality / Greenhouse Gases

Air quality during construction will be impacted due to suspended particulates (dust) from excavation and construction, soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires, hydrocarbon emissions, and greenhouse gas (GHG) emissions from construction vehicles, equipment, and the manufacture of the construction materials.

However, most of these impacts will be mitigated by existing City Codes and regulations. The Street Use Ordinance (SMC 15.22.060) will require the contractor to water the site or use other dust palliative, as necessary, to reduce airborne dust. The Puget Sound Clean Air Agency urges that all diesel construction equipment used in downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters. In addition, compliance with PSCA Agency regulations will require activities, which produce airborne materials or other pollutant elements, to be contained within temporary enclosures.

The Street Use Ordinance and other City, County, and State laws require the use of tarps to cover the excavation material while in transit. The Street Use Ordinance requires frame and wheel washing of vehicles before leaving the site and using City streets, and requires the periodic cleaning of adjacent roadways and sidewalks.

The existing buildings to be demolished were constructed in the 1950's and 1960's and thus may contain asbestos materials. Removal of the buildings and any ground related toxic materials must be done consistent with PSCAA, Department of Ecology, and Environmental Protection Agency requirements. One PSCAA requirement is for the filing of a Notice of Intent with the Puget Sound Clean Air Agency (PSCAA) to remove asbestos containing material prior to demolition. Based on existing Codes, no mitigation is warranted for construction dust on vehicles and migrating from the site to the surrounding streets. Anticipated GHG impacts are adverse but they are not expected to be significant due to the relatively minor contribution of GHG emissions from this project. Regarding possible asbestos removal a project **Condition** is the submittal of a copy of the required PSCAA Notice to the DPD zoning planner prior to demolition.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; blocking of designated view corridors, the demolition of structures greater than 50 years of age, and increased area traffic and demand for parking.

The long-term impacts are typical of an office structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: the Seattle Energy Code for the reduction in long-term energy usage for building cooling, heating, and general power needs (the intention is for the building to receive LEED Certification) and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development. However, further discussion of some of these impacts is warranted.

### Air Quality / Greenhouse Gases

The number of employee vehicular trips associated with the project is expected to increase from the amount last generated by the site's two buildings (see *Traffic and Transportation* below) and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes will 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. Consequently, no SEPA conditioning for this impact is warranted.

### Height, Bulk, and Scale

The SEPA Height, Bulk and Scale Policy (SMC 25.05.675.G) states that "*the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies of the land use element of the Seattle Comprehensive Plan ...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*" Further, the policy states that "*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*"

Following DPD's determination that the FAR and consequent building height, increases are allowed, the Design Review Board reviewed this project and subsequently approved it with **Conditions**, hence no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### Parking

The project is proposing a parking garage with approximately 481 stalls. As noted above, all access to the garage is proposed from the southern end of the adjacent alley. A parking demand analysis estimated that the completed project would generate a peak demand for 1,008 vehicles; this demand would occur during weekday mid-day hours.

To more accurately estimate the number of usable parking spaces that the project will provide, the parking analysis reduced the number of proposed spaces by 5%, resulting in a usable parking supply of approximately 457 spaces. The peak demand of 1,008 vehicles will exceed this supply by 551 stalls. Given limited on-street parking near the project site, this excess parking demand is expected to utilize nearby off-street lots.

The parking demand analysis identified a total of 2,678 spaces within 800' of the project site; of these spaces, 422 were available during weekday mid-day hours. Most but not all of the spillover parking demand could be accommodated by these spaces. The remaining demand could be accommodated in parking stalls greater than 800' from the site. Alternatively, the relatively tight parking supply near the project site, in conjunction with the TMP that the project will implement (see *Transportation* below), could reduce parking demand such that all spillover parking could be accommodated in nearby lots.

### Transportation

A transportation impact analysis for the project was prepared by the Transpo Group in May, 2008. This analysis documents existing transportation conditions in the site vicinity, expected increases in background traffic due to other nearby projects, and the amount of vehicular traffic anticipated to be generated by the proposed development. These additional volumes were assigned to the roadway network and the impacts of this additional traffic were assessed at key intersections.

The project is forecast to generate 4,440 daily vehicle trips, with 630 of these trips occurring during the AM peak hour and 595 during the PM peak hour. As part of the development, the existing office building on the site will be demolished and trips generated by this use would no longer occur. Taking this small reduction of trips into account, the net increase in project traffic is expected to be 4,310 daily vehicle trips, 610 AM peak hour trips, and 580 PM peak hour trips.

In general, the additional traffic forecast to be generated by the project can be accommodated at nearby intersections without noticeable degradation in intersection levels of service. However, significant adverse impacts will occur during the PM peak hour at the intersection of James Street/6<sup>th</sup> Avenue. This intersection is forecast to operate at level of service (LOS F) with or without the project during the PM peak; however, the project is expected to increase average vehicle delay at the intersection by approximately 18 seconds, a substantial increase over baseline conditions.

The level of service analysis assumed a baseline mode split of approximately 41% single-occupant vehicle and 13% carpooling, with the remaining trips split among transit, bicycling and walking. To reduce the adverse impact at James Street/6<sup>th</sup> Avenue, a project **Condition** is to implement a Transportation Management Program (TMP) per DPD Director's Rule 14-2002. The goal of the TMP shall be consistent with that of CTR-affected employers in the Seattle Central Business

District, which establishes a maximum usage goal for SOV's (single occupancy vehicles) of 28% 12 years after opening.

*Access:* With all vehicle access entering and exiting from the southern end of the adjacent alley a LOS D is expected for this section of Marion Street during the AM and PM peak hours.

The proposed garage driveway will intersect the adjacent alley at an angle (it will not meet the alley perpendicular). Because of this there is the likelihood of limited visibility for exiting vehicles to see approaching pedestrians and vice-versa. In addition, traffic exiting the alley will be driving up a fairly steep grade. These factors indicate a need for traffic control devices to regulate exiting traffic and ensure pedestrian and vehicular safety. Toward this end, a project *Condition* is to provide wall mounted mirrors on the building's east and west walls to enable drivers exiting the parking garage to view the sidewalk area and approaching pedestrians, interior signage to warn automobile drivers exiting the garage of potential pedestrian traffic along the Marion St. sidewalk and to not block the sidewalk (as well as signage warning pedestrians of traffic both exiting and entering the garage if deemed appropriate by the project applicants), and a visual signal (strobe light or similar) at the garage opening tied to a exiting automobile activated motion sensor visible to pedestrians traveling both west and east along the Marion Street sidewalk. An audible signal / alarm is not appropriate in this location due to the proximity of the adjacent residential building.

#### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Directors Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. There were four screen lines included in the 505 Madison Street Project EIS addendum analysis. Based on that analysis, the number of trips that the proposed project would add to each of the screen lines would not cause the volume to capacity ratios to exceed the LOS thresholds and no mitigation is required.

#### **DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review of the *Downtown Height & Density EIS* and the *505 Madison Street Development, an Addendum to the Downtown Height & Density Changes EIS*, as well as other information on file with the department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to state and local environmental regulations, alternatives to the proposed action meeting the Applicant's objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

The Department of Planning and Development finds that the proposed development, including mitigation measures proposed by the Applicant or imposed as *Conditions* of the Master Use Permit would be reasonably compatible with existing land uses and the City's land use and environmental policies, and should be *Conditionally Approved*.

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

## **CONDITIONS – SEPA**

### *Prior to Issuance of any Demolition, Grading, or Construction Permits*

1. Submit a copy of the Puget Sound Clean Air Agency (PSCAA) Notice of Intent to Construct.
2. Submit a Construction Transportation Management Plan approved by the Seattle Department of Transportation (SDOT) to the DPD Land Use Planner.
3. Submit a Construction Noise Management Plan (CNMP) per the SEPA discussion above to the Land Use Planner for review and approval.

### *During construction*

*(The following three conditions shall be posted on the property line of each site street frontage in a location 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 waterproofing material and shall remain posted on-site for the duration of the construction.)*

4. Maintain open and safe pedestrian routes adjacent to the site in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this **Condition**.
5. Limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays, Sundays, and holidays between 9:00 a.m. and 6:00 p.m.
6. Implement the noise mitigation measures in the DPD approved Construction Noise Management Plan. Include this plan with all issued building permit plan sets.

### *Prior to Issuance of the Phase III Const Permit*

7. Submit Attachment A, Acknowledgment of TMP, to DPD for review and approval.

### *Prior to Issuance of a Certificate of Occupancy*

8. Record the previously DPD and SDOT reviewed and approved Transportation Management Program (TMP) (as outlined in this decision).
9. Install the required garage exit mirrors on the building's east and west walls, interior signage to warn automobile drivers exiting the garage of potential pedestrian traffic along the Marion St. sidewalk and to not block the sidewalk, and visible (light) signal at the garage opening tied to a exiting automobile activated motion sensor visible to pedestrians traveling both west and east along the Marion St. sidewalk.

### *For the Life of the Project*

10. Maintain the required garage exit mirrors, signage, and visible (light) alarm.

**CONDITIONS – DESIGN REVIEW**

*Prior to Issuance of MUP Permit*

11. Embed 11 x 17 color elevation drawings from the DR Recommendation meeting and as updated into the MUP plans prior to issuance.

*Prior to Issuance of all Construction Permits*

12. The project and all improvements shall conform to the approved MUP plans. Any proposed changes to the exterior of the building or the site plan must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074). Any proposed changes to improvements in the public right-of-way must be submitted to DPD and SDOT for review and approval.
13. Embed all conditions in the cover sheet for the MUP Plans and for all subsequent permits including updated MUP plans, and all building permit drawings.
14. Embed 11 x 17 color elevation drawings from the final MUP set into the Phase III Building Permit Plan set (to facilitate subsequent review for Design Review compliance).

*Prior to Issuance of Phase III Construction Permits*

15. The design shown in the building permit plans must be confirmed by the project planner to conform to the approved MUP design.
16. Any requirements for documentation, execution of agreements, demonstration of valid transfer, and the recording of applicable instruments for the approved quantity of off-site open space must occur.

*Prior to the Issuance of a Certificate of Occupancy*

17. Construct or have all Green Street type improvements on the streets listed in this document constructed in conformance with this MUP Decision.
18. Compliance with the approved design features and elements, including siting, exterior materials, façade colors, landscaping or other similar features shall be verified by the Land Use Planner assigned to the project or by the Supervising Planner. Inspection appointments with the Land Use Planner must be made at least 3 working days in advance of the inspection.

Signature: \_\_\_\_\_ (signature on file) Date: November 06, 2008  
Art Pederson, Land Use Planner  
Department of Planning and Development

AP:lc