



City of Seattle

Gregory J. Nickels, Mayor  
Department of Planning and Development  
D. M. Sugimura, Director

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

**Application Number:** 3007019  
**Applicant Name:** Jay Janette of Mithun  
**Address of Proposal:** 200 Occidental Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for future construction of an eleven story, 12,600 sq. ft. transportation facility (KC Metro Street Car Maintenance Base) with 7,500 sq. ft. of retail at base. 130,000 sq. ft. of office, 62 residential units and parking for 146 vehicles will be located above. Review includes demolition of an existing parking lot.

The following approvals are required:

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

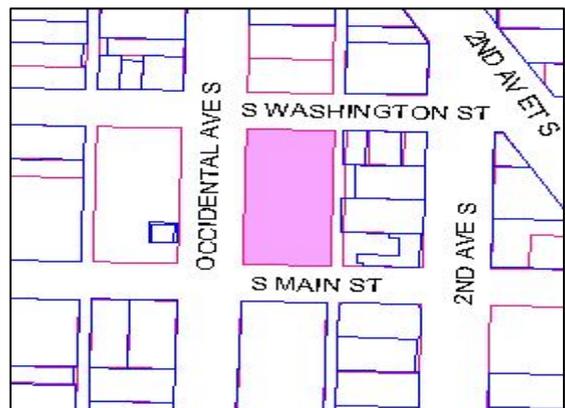
**Certificate of Approval** – Pioneer Square Preservation Board (SMC 23.66)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

The proposal is located on the east side of Occidental Avenue South, between South Washington Street and South Main Street. Occidental Avenue South is an unopened street, catering mainly to pedestrians while informally integrating into Occidental Park to the west.

The proposal is located in the Pioneer Square Mixed



(PSM) zone and has a 100-foot height limit or 130-foot limit provided that a streetcar maintenance base is located within the structure and has the equivalent gross floor area over 100-feet in residential or hotel use (SMC 23.49.178C). Since the proposal includes residential use and has a streetcar maintenance base, the maximum height limit is 130-feet. The immediate area is marked by structures typical of the Pioneer Square Historic District with extensive use of brick, fenestration, storefront windows at the ground floor, strong cornice lines and other similar features. The development area of the project is approximately 26,640 square feet. The existing surface parking lot located on this site will be demolished as a result of the proposed development.

Pursuant to SMC 23.66.170, the Department of Neighborhoods in consultation with the Pioneer Square Preservation Board will review the requested reduction to the required number of loading berths. (Please see the plans on file for additional detail).

### Public Comments

Notice of the project was published on July 19, 2007. The required public comment period ended on August 1, 2007. One comment letter was received. The following issue was raised:

- Concern over construction impacts on neighboring development

Additional notice concerning the review of the project also occurred through the Pioneer Square Preservation Board for meetings held on November 15, 2006, March 14, 2007, May 30, 2007, August 8, 2007, October 10, 2007 and November 7, 2007.

### ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 13, 2007 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;

increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; and increased noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

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

### Noise

Noise impacts will result during the demolition activities associated with this project, as well as during construction. Furthermore, there will be excavation required to prepare the building site and foundation. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses. In the immediate area are several commercial and residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), mitigation is warranted. In addition to the timing restrictions of the Noise Ordinance, all construction activities shall be limited to non-holiday weekdays from 7:00 a.m. and 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 am and 6:00 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. Work on Saturday and Sundays is not permitted. These restrictions may be adjusted on a case by case basis by the Noise Control Team or Land Use Planner. Such limited after-hours work will be strictly conditioned upon the owner(s) and or responsible party(s) providing at least three working days' notice to allow DPD to evaluate the request.

### Earth/Soils

Approximately 8,000 cubic yards of excavation is proposed with this project. The 2006 Seattle Building Code and the Stormwater, Grading, and Drainage Control Ordinance requires compliance with standard excavation and shoring practices and containment of storm water runoff from exposed soils, which will provide adequate mitigation of erosion impacts. Since soil in the immediate vicinity of the subject site is comprised of man-made fill and is designated as liquefaction prone (a City of Seattle Environmentally Critical Area), DPD may require that adjacent buildings within the block are periodically monitored for settlement during construction on the subject site. In addition, Shannon & Wilson noted that the site contains both contaminated soils and groundwater. To ensure that construction workers are aware of proper handling and disposal procedures, a condition is imposed and listed below. With fulfillment of this condition, no further mitigation under SEPA is warranted.

Transportation: Truck & Equipment

Construction of the project would involve approximately 8,000 cubic yards of grading for the building foundation, basement and pilings. This construction would take place over several weeks or months and generate significant truck trips. The Seattle Municipal Code (SMC 11.74.160) states that material hauled in trucks shall be loaded so no debris falls onto the street or alley during transport. The Seattle Municipal Code (SMC 11.62.060) also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to their destination. The area around the construction site is marked by primary arterials, non-arterial streets and limited access routes, coupled by two sports stadiums that generate large amounts of traffic. Furthermore, the ingress and egress of trucks, personnel and equipment may adversely impact circulation on the surrounding streets at the project location. These construction activities may generate adverse impacts, therefore pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. Accordingly, the applicant shall be required to submit a construction phase transportation plan to DPD for review and approval by Seattle Department of Transportation to mitigate these impacts. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. The transportation plan shall also include plans to mitigate trips and construction related activities during regularly scheduled events at the adjacent sports stadiums, based on trip mitigation plans developed by these facilities as part of their SEPA mitigation plans.

Construction Parking

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

Long-term Impacts

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

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control, the City Energy

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

### *Air Quality*

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

### *Historic and Cultural Preservation*

Given that demolition and construction activities are proposed within the Pioneer Square Historic District, the project has come before the Pioneer Square Preservation Board on multiple occasions. For their review, plans, elevations, renderings, and information on materials were supplied. The Board has reviewed the proposed design, commenting on how the design will be best integrated into the greater historic district, while also recognizing its proximity to Occidental Park. Given the review by this designated body, no further conditions pursuant to SMC 25.05.675 are warranted.

### *Height, Bulk and Scale*

The development site is located along Occidental Avenue South between South Washington Street and South Main Street. Adjacent to the site to the west is, Occidental Park, a rectangular-shaped park extending the length of the subject site and equal in size. The subject site is located in a prominent, highly visible location as viewed from Occidental Park. The proposed building will cover the entire development site, with an 11-story building. Surrounding blocks are marked by numerous buildings with varying facades, detailing and widths, due to the predominance of several individual parcels and the age of many of the buildings. As proposed, the building will be 130-feet in height, with up to an additional 15-feet for an enclosed rooftop common recreation area and up to an additional 20-feet above the height limit for elevator penthouses accessing an enclosed rooftop common recreation areas, all meeting the requirements of SMC 23.46.140C.10.

The proposed bulk and scale of the project represents a mass somewhat comparable in size to buildings in the area, although the proposal will be approximately 30-feet taller than most structures due to a recent code amendment which allows structures containing streetcar maintenance base to build up to 130-feet in height. To ensure that the project adequately

addressed the impacts of Height, Bulk and Scale on the adjacent neighborhood, additional meetings before the Pioneer Square Preservation Board were required to address design solutions concerning the overall quality of materials and use of detailing at both the street level and upper portions of the façade, to ensure compatibility with surrounding buildings in the historic district.

Due to the previous and future reviews of the project by the Pioneer Square Preservation Board, no bulk and scale conditions are warranted.

### Traffic and Transportation

The Transpo Group submitted a Transportation Impact Analysis dated June 22<sup>nd</sup>, 2007. Additional submittals were provided on August 1<sup>st</sup>, 2007 and September 10<sup>th</sup>, 2007, providing further information and updating the analysis to reflect the revised project proposal. These documents, along with the SEPA checklist, were used in the traffic analysis provided below.

The proposed project will generate approximately 137 net-new vehicle trips in the AM peak hour and 142 net-new vehicle trips in the PM peak hour based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual (Seventh Edition) for High Rise Apartments, Office and Shopping Center. To calibrate the trip rates to the local character of the site vicinity, the vehicle trips were converted to person trips through the use of the ITE average vehicle occupancy (AVO) rates for the proposed land uses. Once the person trips were derived, local mode split information for downtown Seattle was applied to arrive at the split between transit, non-motorized, carpool and single occupancy vehicles (SOV) for the project.

It is projected that traffic volume increases at nearby intersections due to the project would be minimal during the AM and PM peak hours and fall within the range of typical day-to-day fluctuations in traffic volume. As such, the additional cars would not be expected to have a significant impact on traffic operations at the intersections. Therefore, no further mitigation pursuant to SEPA authority is warranted.

### Parking

Based on the requirement for zero parking for residential uses downtown and the exemptions for certain commercial uses, the zoning code only requires three loading berth spaces within the structure. Given the proposal, there is an estimated peak parking demand of about 223 vehicles; with a parking supply of 146 vehicles. A spillover in the amount of 80 vehicles is expected to result at peak times. However, no code authority exists to condition the project for additional parking, as the project is located in a downtown zone, and under SMC 25.05.675M, such conditioning is prohibited.

### Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. With imposition of conditions found at the end of this document, pursuant to SEPA policies, adverse impacts will be mitigated based on applicable authority.

Existing codes and development regulations applicable to this proposed project will also provide further mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

### **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 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 43.21.030(2) (C).

### **CONDITIONS – SEPA**

#### *Prior to Issuance of MUP (non-appealable)*

1. Respond to the zoning correction letter dated 12/19/07.
2. A Certificate of Approval for Use and Preliminary Design from the Pioneer Square Preservation Board/Department of Neighborhoods Director must be obtained.

#### *Prior to the Issuance of a Demolition or Construction Permit*

3. The owner(s) and/or responsible party(s) shall secure DPD Land Use Division approval of construction phase transportation and pedestrian circulation plans. These plans should consider impacts during any demolitions and during construction of the building. Appropriate Seattle Department of Transportation participation in the development of the plans shall be documented prior to DPD Land Use Division approval. The plans shall address the following:
  - Ingress/egress of construction equipment and trucks
  - Truck access routes, to and from the site, for the excavation and construction phases.
  - Street and sidewalk closures, including locations of re-routing pedestrian movement
  - Potential temporary displacement/relocation of any nearby bus stops.
  - Impacts and mitigation of trips associated with construction and/or demolition activities during events at nearby stadiums.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting 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 shall 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. In addition to the timing restrictions of the Noise Ordinance, all construction activities shall be limited to non-holiday weekdays from 7:00 a.m. and 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 am and 6:00 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. Work on Saturday and Sundays is not permitted. These restrictions may be adjusted on a case by case basis by the Noise Control Team or Land Use Planner. Either of the following DPD staff must be contacted and approval given by staff in these cases:

Bryan Stevens (Land Use Planner):	206.684.5045
David George (Noise Control Team):	206.684.7843
Jeff Stalter (Noise Control Team):	206.615.1760

5. After the parking levels of the structure are complete and certified to occupy, worker parking, construction staging and construction vehicles shall park in the parking structure parking when feasible to relieve parking congestion from the street.
6. Given the presence of contaminated soils and groundwater, a Construction Contingency Plan (as recommended by Shannon & Wilson) shall be created to develop safety procedures for handling and disposal of contaminated material during excavation of the site.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: February 14, 2008  
Bryan Stevens, Senior Land Use Planner  
Department of Planning and Development

BS:bg/lc

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