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

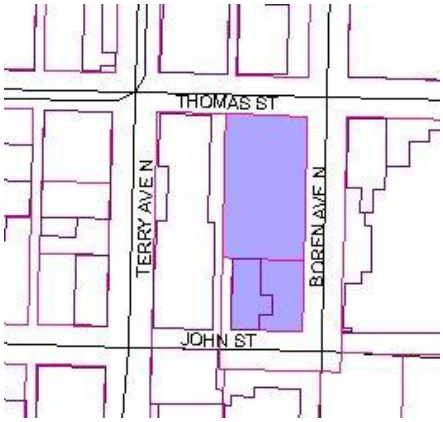
Application Number: 3008520

Applicant Name: Michael Medina of Callison Architects for City Place V LLC

Address of Proposal: 201 Boren Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for future construction of an eleven-story office structure with 5,526 square feet of retail located at ground level. The project includes below-grade parking for 484 vehicles. Landscaped public courtyards/plazas and street trees will be provided as part of the development. The project requires demolition of an existing structure and excavation of approximately 75,000 cubic (bank) yards of earth.



The following approvals are required:

SEPA – DNS with Conditions pursuant to Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC).

Departures from the Land Use Code as follows:

1. Transparency on Class 2 Pedestrian Street – SMC 23.48.018(A)(1)(A)
2. Blank Façade on Class 2 Pedestrian Street – SMC 23.48.018(B)(2)
3. Blank Façade on Other Streets – SMC 23.48.018(B)(3)
4. Street Level Setbacks – SMC 23.48.014(D)
5. Parking Entry Location – SMC 23.48.034

SEPA Determination: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

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

BACKGROUND INFORMATION:

Site and Area Description

The proposal is for development of an eleven-story administrative office building with ground floor retail uses on two tax parcels comprising the eastern-half of the block bounded by Thomas Street to the north, Boren Avenue N to the east, John Street to the south, and Terry Avenue N to the west. Currently, a mid-block alley divides the southern one-third of the block, running north from John Street. The northern two-thirds of this mid-block alley was vacated in 1961 under Seattle Ord. No. 90116. Proceeding west from Boren Avenue N, John Street dead ends where it intersects with the mid-block alley and is unopened from the alley west to Terry Avenue N. There is a pedestrian stair from the alley west/down to Terry Avenue N. The project site is approximately 1.08 acres (46,987 square feet). The site generally slopes down from the southwest corner toward the northeast, ranging in elevation from 129 feet Seattle datum at the southwest corner to approximately 97 feet at the northeast corner of the half-block.

The project site is zoned Industrial-Commercial with an 85-foot height limit (IC-85) and located in the South Lake Union Urban Center. A height bonus is available in the South Lake Union Urban Center that increases the height limit to 160 feet based on compliance with certain conditions. Property to the west and east is also zoned IC-85. Property to the north is zoned IC with a 65-foot height limit and 160-foot bonus height limit (IC-65). Property to the south is zoned Seattle Mixed with a 125-foot height limit (SM-125). Thomas Street and Terry Avenue N are Class 2 Pedestrian Streets.

Portions of the project site are in 40% steep-slope areas. An exemption from the Environmentally Critical Area steep-slope requirements was granted by DPD on February 6, 2008 (Project #6165087) based on the fact that the proposed development is on an already developed site and there will be no increase in impact on the steep slope. There are no other environmentally critical areas on the site.

The current development on the property consists of a 10,310 sq. ft. office building (the 201 Boren Avenue Building) built in 1954 and a surface parking lot with approximately 105 stalls available to the public. The City Landmarks Board declined to nominate the 201 Boren Building for landmark status after a landmark application was submitted.

Adjacent land uses include a mix of commercial and retail use. North of the project site is a project approved under MUP # 3008521 which contains a one-story masonry building located at 330 Terry Avenue North occupied by the First Service Collision Center, an auto body shop; a two-story brick building, the Terry Avenue Building, currently used as an office building; a one story wood frame building, used for storage are at 310/320 Terry Avenue North; two surface parking lots at 325 Boren Avenue North and 417 Boren Avenue North; and a two-story masonry building at 301 Boren Avenue North, used as a warehouse by the Seattle Times Company. The Bio-Rad Laboratories, a medical manufacturing building, is located on the same block as MUP # 3008521, at the northeast corner of Terry Avenue North and John Street. With the exception of the Terry Avenue Building, which has landmark status, and the Bio-Rad Labs, these uses will be replaced by the MUP # 3008521 development. This project consists of two twelve-story office structures with ground-floor retail, the preserved Terry Avenue Building, and a courtyard.

On the east-side of Boren Avenue N. between Harrison Street and John Street is the David Smith Company warehouse and wholesale sales building, another warehouse and storage building, the Seattle Times newspaper offices, and a surface parking lot.

To the south are the 13 Coins Restaurant, the Bunge Foods storage warehouse, and an office building. On the west side of the project block along Terry Avenue North is the Fred Rogers Building, currently used as a rehearsal studio by the Seattle Opera. Across Terry Avenue at the corner of Thomas Street is the new Weber Thompson Building with commercial office space. On the west side of Terry Avenue North between John Street and Harrison Street are two warehouses and a new four-story office building with Rain Fitness and the Portage Bay Café at the street level.

Project Description

The project is an eleven-story structure with four levels of below-grade parking. The project anticipates construction of approximately 330,474 square feet of above-grade space for administrative office uses and approximately 5,526 square feet of retail space at grade (totaling approximately 336,000 square feet). Parking for 484 vehicles will be located in a below-grade garage. The project includes excavation of approximately 75,000 bank yards (100,000 truck yards) of material.

Street-level public courtyards/plazas, two rooftop garden areas, perimeter street trees, and other amenities will be provided for the public and building occupants.

Access for vehicle parking will be via an existing curb-cut on Thomas Street at the northwest corner of the project site, directly across Thomas from the access alley for MUP # 3008521. Access for service, loading, and bicycle parking will be via the existing alley from John Street.

Construction of the project will require removal of the existing surface parking and demolition of the existing structure.

PUBLIC NOTICES AND MEETINGS

The Notice of Application for the project was published on July 24, 2008. No written comments were received.

The Magnolia/Queen Anne Design Review Board held a properly noticed Early Design Guidance meeting for the project on April 2, 2008. A properly noticed Recommendation Meeting was held on October 15, 2008.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The initial ideas for the project were presented at the Early Design Guidance meeting on April 2, 2008. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project. The

guidance and recommendations made were agreed to by all of the Board members present, unless otherwise noted. While the notes below indicate the areas the Board found most important, all of the Guidelines for Multifamily and Commercial Buildings, as well as the South Lake Union neighborhood design review guidelines, were considered.

A-1 Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.

Board Comments

The sloped topography along the street frontages of the large site creates a challenge in placing uses along exterior walls which engage the sidewalk realm. It is important that the building interact well with pedestrians, providing visual interest, opportunities to enter the building, and engage with uses along the facades. Blank wall elements should be treated well with art or other materials.

The arcade on the east side needs to be tall and end in an experience, like an entry. The overlook on John street needs to be respected and the design should at least place building structures there than can be reusable in a more pedestrian/retail oriented way at a later time when there may be a steps element down the hill.

A-2 Streetscape compatibility - The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street - Entries should be clearly identifiable and visible from the street.

A-4 Human Activity - New Development should be sited and designed to encourage human activity on the street.

Board Comments

Uses at ground level around the site need to be defined in the architecture. The base needs to be carefully designed to provide areas of pedestrian scale and interest.

B-1 Height, Bulk and Scale Compatibility - Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

SLU-specific supplemental guidance

- **Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.**
- **Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level.**

Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.

- **Relate proportions of buildings to the width and scale of the street.**
- **Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.**
- **Consider using architectural features to reduce building scale such as:**
- **landscaping;**
- **trellis;**
- **complementary materials;**
- **detailing;**
- **accent trim.**

Board Comments

The Board thinks the applicants are on the right track with regard to building massing and differentiation between elements to break down the appearance of bulk and scale.

C-1 Architectural Context - New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Board Comments

The proposed buildings should be differentiated from one another as if they were built over time. They should also be distinct in appearance from other Amazon-related buildings on near by blocks.

The "special building" with the punched windows should be a different material.

The roof line of the larger building expression needs to have an expressed top; a unique cap of some kind.

Building materials and expressions should wrap into the alley for an appreciable distance so that it looks finished from the perspective of a pedestrian on Thomas St.

C-3 Human Scale - The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

D-1 Pedestrian Open Spaces and Entrances - Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-7 Personal Safety and Security - Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Board Comments

Special care needs to be taken to provide human scaled spaces adjacent to sidewalk areas which are connected to building functions such as retail shops or entrances.

MASTER USE PERMIT APPLICATION

The applicant revised the design according to the Design Review Board's guidance and applied for a Master Use Permit with a design review component on June 10, 2008. The application was deemed complete on July 17, 2008.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a recommendation meeting on October 15, 2008, to review the applicant's project proposal developed in response to the previously identified priorities. At the public meeting, proposed departures, site plans, elevations, floor plans, landscaping plans and a palette of proposed exterior materials were presented for the Board members' consideration.

Development Standard Departures

The applicant requested seven development standard departures pursuant to SMC 23.41.012. Departures may be granted when an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines. Each departure request is discussed and followed by the Board's rationale for approval.

Transparency on Class 2 Pedestrian Streets (Thomas Street) - SMC 23.48.018(A)(1)(a) (see SMC 23.50.051(G))

The Land Use Code requires transparency for a minimum of 60% of a building's street-level façade along Class 2 Pedestrian streets. Applicant proposes a portion of non-transparent façade of 79'-9" width - or approximately 58% of the overall façade – to facilitate the creation of a retail terrace at the north end of the block. The steep grades along Thomas Street are not conducive to retail use nor visual connection to interior program, much of which is parking at grade level. The applicant proposes as an alternative to create a retail terrace at the same level as the elevation of the Thomas and Boren Intersection. This allows retail use along the majority of the north facade. The terrace element itself incorporates planters, wood-clad feature walls and a stair element to give variety and architectural interest.

Rationale for approval: The blank façade is a reasonable compromise for creating an active, accessible retail terrace along Thomas Street. The subject "façade" reads architecturally more as a site feature than a blank portion of the building façade.

Blank Façade on Class 2 Pedestrian Street (Thomas Street) – SMC 23.48.018(B)(2) (see SMC 23.50.051(G))

The Land Use Code limits blank façades to 15-foot wide segments along Class 2 Pedestrian streets. Applicant proposes a portion of blank façade of 79'-9" width to facilitate the creation of a retail terrace at the north end of the block. Applicant feels that the blank façade is a reasonable compromise for creating an active, accessible retail terrace along Thomas Street. The subject "façade" reads architecturally more as a site feature than a blank portion of the building façade. The applicant is requesting a departure that would modify the requirement that limits blank facades to segments 15 feet wide along Class 2 Pedestrian Streets. As with the requested transparency departure, the applicant believes the proposed retail terrace meets the intent of adding activity to the street facade while not following the strict letter of the standard. Additionally, the face of the terrace is treated with facade embellishments that the applicant believes adds sufficient visual interest to mitigate the negative effects of the non-transparent walls.

Rationale for approval: The blank façade is a reasonable compromise for creating an active, accessible retail terrace along Thomas Street. The subject "façade" reads architecturally more as a site feature than a blank portion of the building façade.

Blank Façade on Other Streets – SMC 23.48.018(B)(3) (see SMC 23.50.051(G))
The Land Use Code limits blank façades to 30-foot wide segments along the project site's streets that are not classified as pedestrian streets. Applicant proposes two portions of blank façade in excess of 30' due to the significant grade change on the site. These areas are less than 60 feet in width and have architectural embellishment. The proposed design responds to the EDG request for a tall, visible entry lobby along Boren Avenue. The architectural detailing mitigates the adverse affects of the blank facades. The applicant is requesting a departure that would modify the requirement that limits blank facades to segments 30 feet wide. Blank facade width may be increased to 60' if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping or other similar features that have visual interest. The applicant proposes two sections of the facade that are wider than the 30' base threshold yet within the 60' provisional threshold. The areas in question are treated with facade embellishments that the applicant believes add sufficient visual interest to mitigate the negative effects of the non-transparent walls.

Rationale for approval: The proposed design responds to the EDG request for a tall, visible entry lobby along Boren Street. The architectural detailing mitigates the adverse effects of the blank facades.

Street Level Setbacks – SMC 23.48.014(D) ((see SMC 23.50.051(F)) (three departures)
The applicant is requesting a departure that would modify the requirement that states that structures may be set back up to 12 feet from the property line. Additional setbacks shall be permitted for up to 30% of the length of the set-back street wall, provided that the additional setback is 20' or greater from any street corner The steep grades along Thomas Street are not conducive to retail use nor visual connection to interior program, much of which is parking at grade level. The applicant proposes as an alternative to create a retail terrace at the same level as the elevation of the Thomas and Boren Intersection. This allows retail use along the majority of the north facade. The terrace element itself incorporates planters, wood-clad landscape walls and a stair element to give variety and architectural interest.

The applicant proposes to set back the building at the intersection of John and Boren. This setback enhances the design in two ways: It provides a landscaped open space for building users and the public. It also affords access to a proposed retail space that is adjacent to Boren Avenue yet not directly accessible from Boren due to the significant grade difference. Thus the applicant believes that this departure helps the project better meets the goals of an active street presence with a variety of uses.

Applicant feels that the setbacks allow for greater pedestrian amenities and opportunities to interact with building entries and retail spaces.

Applicant requests additional setbacks from John Street to create landscaped open space. Maximum total setback dimension is 45'-0".

Applicant requests additional setbacks from Boren Avenue to create landscaped open space at the south end of the block and a retail terrace at the north end of the block. Maximum total setback dimension is 43'-1".

Applicant requests additional setbacks from John Street to create a retail terrace and secondary building entry. Maximum total setback dimension is 77' at garage entry condition.

Rationale for approval: The setbacks allow for greater pedestrian amenities and opportunities to interact with building entries and retail spaces.

Parking Entry Modification - SMC 23.48.034
The Land Use Code allows access to parking from an alley or a street, but not both. Applicant proposes two independently accessed parking structures: One from the existing curb cut mid-block on Thomas Street that is automobile parking only. The second is accessed from the existing alley adjacent to John Street, which is loading, service and bicycle parking only. Segregated parking and leading/service structures allow greater flexibility for internal building program and enhanced street-level interaction as the grade transition between Thomas Street and John Street does not need to be accommodated within the building structure.

Two separate garage structures that function independently are proposed. One is entered off of the alley that is to remain connected to John Street. This garage contains loading, service and bicycle parking only. The second, larger garage is accessed from the mid-block curb cut along Harrison. This curb-cut is directly opposite the alley on Block 34 to the north. This garage contains parking exclusively, with no loading or service use. Connecting the two garages is not preferred by the applicant due to the extraordinary elevation change across the site. Connecting the two garage structures would necessitate a significant amount of internal ramping that would displace retail and office program. No new curb cuts from primary streets are proposed.

Rationale for approval: Segregated parking and leading/service structures allow greater flexibility for internal building program and enhanced street-level interaction as the grade transition between Thomas Street and John Street does not need to be accommodated within the building structure.

Public Comments

Public comment was requested but none was received at the meeting.

Board Deliberation

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, drawings and model showing the proposal, the Design Review Board members recommended approval of the subject design and development standard departures based on the above noted rationales with the following recommended conditions (all recommendations were by all members agreeing, unless otherwise indicated). The Board found that the design had progressed greatly and responded well to the guidance provided at the Early Design Guidance Meeting. The recommendations summarized below were based on the plans submitted at that meeting.

- The Thomas St. façade shall be further designed to incorporate some landscaping at the base of the wall at possibly to including some benches there.
- The vertical line element joining the roof on the east façade shall be further designed so that it reads as a more integral element.
- The precast concrete proposed for surface elements of the structure base shall be sandblasted or otherwise treated to improve its texture and appearance.

The Board recommended that all seven requested development code departures be granted.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflict with SEPA requirements or state or federal laws, and has reviewed the ***City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings*** *(January 2007)* and the ***South Lake Union Design Guidelines*** *(May 2005)* and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design and development standard departures. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended the Board members and the recommendation to approve the design and departures, as stated above.

DECISION - DESIGN REVIEW

Therefore, the proposed design and departures as presented at the October 15, 2008 Design Review Board meeting are **CONDITIONALLY APPROVED**. Design Review conditions are listed at the end of this decision.

ANALYSIS-SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on June 10, 2008 and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

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 enunciated 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 policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

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, increased vibration levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, vibration, drainage, earth, grading, traffic and parking impacts as well as mitigation.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. Prior to demolition, the asbestos, lead-based paint and other similar hazardous materials that may be encountered during demolition would be removed by a qualified abatement contractor in accordance with State and Federal guidelines. The applicant will also take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; a truck wash, and quarry spall areas, would be provided on-site to treat construction vehicles prior to their exiting the site; and truck loads and routes will be monitored to minimize dust-related impacts.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site would be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

Noise

The project is expected to generate increased noise impacts during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) 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. This limitation may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

Earth/Grading

An excavation to construct the below-grade parking for the proposal will be necessary. Approximately 75,000 bank yards of soil and existing material will be removed from the site, which could 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 Seattle 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.

According to the geotechnical study, there is some perched groundwater below grade. Some dewatering may be necessary during construction. Generally, however, the groundwater table is expected to remain below the bottom of the building basement floor slab. A drainage control plan, including a temporary erosion and sedimentation control plan 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.

Although a portion of the block is in a 40% steep-slope area, DPD has granted a limited exemption from the Environmentally Critical Area steep-slope requirement development standards.

No SEPA policy based conditioning of earth and grading related impacts is warranted.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. Truck trips could be generated during excavation, shoring, and foundation construction.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- To minimize on-street parking in the project vicinity due to construction impacts, construction workers should park off-street at facilities made available by the applicant and/or the applicant's contractor.

- Prior to issuance of a street use permit, the applicant shall provide the City with a construction traffic plan. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.

Environmental Health

Preliminary site assessments indicate that due to its age, the existing building on the project site may have asbestos-containing materials, lead-based paint, and other similar hazardous materials that may be encountered during demolition. The presence of potential underground storage tanks (USTs) has been noted at the 201 Boren building. Two above-ground storage tanks were also present at the 201 Boren building.

If necessary, the applicant will take the following precautions to reduce or control potential environmental health issues:

- *A hazardous materials remediation plan would be prepared for the various hazardous materials that may potentially be encountered on the site. Remediation work will be professionally monitored throughout demolition and excavation.*
- *Prior to demolition, asbestos, lead-based paint, and other similar hazardous materials that may be encountered during demolition would be removed by a qualified abatement contractor in accordance with state and federal guidelines.*
- *USTs would be removed and disposed of by a qualified UST removal contractor in accordance with state and federal guidelines.*
- *The excavation would be monitored by an environmental consultant and if contaminated soils are identified, the soils will be sorted, stockpiled, and disposed pursuant to applicable state and/or federal law.*

Based upon the above considerations it is concluded that no SEPA-based conditioning is necessary for the potential short-term impacts related to environmental health.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, increased vehicle traffic, and demolition of a building. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Environmentally Critical Areas

Although a portion of the eastern-half of the block is in a 40% steep-slope area, DPD has granted an limited steep slope exemption from the Environmentally Critical Area steep-slope requirements based on the proposed development being on an already developed site and there will be no increase in impact on the steep slope. There are no other environmentally critical areas on the site. The proposed development is not expected to cause negative environmental impacts on any critical areas.

Historic

A landmark nomination for the one existing building on the project site was submitted to the Landmarks Board in February 2008. The building was not cited in a 1975 survey as a building significant to the community and was not noted in the 1995 Seattle Commons EIS. The building was included in a recent city-sponsored historic survey and building inventory of the South Lake Union area. The Board found that the 201 Boren Avenue Building did not meet the City's Historic Landmark criteria and, accordingly, declined to nominate the 201 Boren Avenue North Building.

There are a number of other designated landmark buildings near the site, including:

- Troy Laundry (1927, at Fairview Avenue North);
- Seattle Times Building (1920, at 1120 John Street);
- Metropolitan/New Richmond Laundry(1917-1944, at 224 Pontius Avenue North);
- Supply Laundry (ca. 1906+, 1265 Republican Street);
- Ford Assembly Plant (1913, 1155 Valley Street);
- Van Vorst Building (1909, 413-421 Boren Avenue North);
- Pacific McKay and Ford McKay Buildings (1925 and 1922, 601 and 615 Westlake Avenue North);
- Lake Union Steam Plant and Hydro House (1914-1921, 1179 Eastlake Avenue East);
- Immanuel Lutheran Church (1912, 1215 Thomas Street);
- St Spiridon Russian Orthodox Cathedral (1941, 400 Yale Avenue North);
- Jensen Block (1906, 601-611 Eastlake Avenue East); and
- Old Norway Hall (1915, now Cornish College Raisbeck Performance Hall, 2015 Boren Avenue).

In addition, numerous older buildings exist in the South Lake Union area and may be eligible for consideration as historic resources. The project is not expected to have any impact on any of these structures.

Archaeological

The site is not within the historic shoreline area of Lake Union and no known archaeological resources have been identified on or next to the site.

If resources of potential archaeological significance are encountered during excavation or construction associated with the proposal, the following measures would apply:

- *Work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;*
- *the City of Seattle land use planner assigned to the project and the State Department of Archaeology and Historic Preservation would immediately be contacted;*
- *regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable.*

Otherwise, the project should not have any significant adverse impacts on archaeological resources.

Housing Impacts

The City's SEPA policies encourage preservation of existing housing, especially low income housing. SMC 25.05.675.I. These policies require compliance with City Code provisions on housing relocation, demolition, and conversion for proposed development to be in compliance with the housing policy. SMC 25.05.675.I.2.C. The proposed project will demolish warehouses and replace them with offices and retail space. No existing housing will be demolished, relocated, or converted. Therefore, no mitigation to housing impacts is required.

Traffic, Transportation, and Parking

The Transpo Group ("Transpo") completed a traffic study for the project which was submitted to the City as part of the application and review process.

For its analysis, Transpo utilized trip generation rates associated with ITE Land Use 814 Specialty Retail and LU 710 General Office Building, to estimate trips that would be generated for the project. All rates were obtained from the ITE 7th Edition (2003). The study estimated that the project would generate approximately 1,780 new trips per day, of which 240 new trips would be generated during the AM peak hour, and 235 new trips during the PM peak hour.

The project will include 484 parking spaces, and would displace the existing 105 surface stalls. The proposed 484 on-site parking stalls would exceed the minimum Land Use Code requirements of 1 stall per 1,000 square feet of office space and 1 stall per 500 square feet for general sales and service (the Code requires at least 347 stalls, including allowed deductions). Peak parking demand for the project is 397 stalls. Assuming an effective supply of 95 percent, (to account for the efficiency lost by circulating in the garage in search of a vacant stall), or 460 spaces, the project can accommodate its peak parking demand. The urban site, served by the

South Lake Union Streetcar and a number of Metro bus routes, can be expected to attract some number of employees and retail customers without cars. The number of visitors without cars would be expected to increase over time in this increasingly urban location. The Land Use Code requirements for this project also require a Transportation Management Plan ("TMP") that meets the requirements of Director's Rule 14-2002. The TMP goal will be no more than 40 percent of PM peak hour trips shall be single-occupant vehicle trips.

The traffic study also evaluated transportation concurrency for the proposed project. The calculated v/c ratios for the three tested screenlines were determined to remain below the adopted LOS standard; therefore, the proposed project was determined to meet the City of Seattle concurrency requirements.

Transit service to and from the project vicinity is provided by King County Metro Transit, including routes 17, 70, 71, 72, 73, 83, 98 and the South Lake Union Streetcar. These transit options provide access to downtown Seattle and (via connections) destinations throughout King County and the Puget Sound region.

Transportation Mitigation

In July 2004, the Seattle Department of Transportation completed the South Lake Union Transportation Study with the help of consultants Parsons Brinckerhoff and Enviroissues. The study recommended a package of transportation improvements for the South Lake Union area which has broad support from a diverse group of neighborhood, business and community representatives. The improvements include a two-way Mercer Street, a narrower Valley Street, a streetcar, and a number of transits, pedestrian and bicycle measures. These improvements are intended to reconnect the South Lake Union area to the city, untangle streets that create barriers in the middle of the city, improve mobility, promote alternatives to single-occupant-vehicles, and continue a smooth flow of freight and people through the area.

As an alternative to mitigation measures that focus solely on minor improvements to nearby streets and intersections, DPD has determined that a more effective mitigation approach is for the applicant to contribute to the costs of the more comprehensive transportation improvements recommended in the South Lake Union Transportation Study. DPD has reviewed the projected transportation impacts of the project, as detailed in the June 2008 Transpo Memorandum, and concluded that the transportation improvements in the South Lake Union Transportation Study would adequately mitigate those impacts.

DPD has considered the share of the transportation improvement costs that should be borne by this project. A portion of the improvement costs is attributable to existing deficiencies and must be funded with resources other than private developer mitigation payments. This project should bear its fair share of the remaining costs, based on the expected trip generation. Based on DPD's analysis of costs and allocation to this project, a payment of $368,100 is appropriate for traffic impact mitigation.

Plants/Animals

Any existing vegetation would be removed during the site excavation and construction. There is no known occurrence of threatened or endangered species on or near the site.

Frontage improvements will include street trees. Landscaped open spaces will be provided in the public rights-of-way and in the public courtyards/plazas.

Impacts to plants and animals are not considered significant and no mitigation is warranted.

Energy and Natural Resources

Natural gas and electricity would be used as the principal source of energy for space heating. Electrical energy would be used for lighting and operating appliances. It is not expected that the height and configuration of the proposed structure would interfere with the potential use of solar energy by adjacent properties. Building construction would comply with this and other requirements of the Seattle Energy Code, at a minimum, to be reviewed at the time of Building permit application.

Long term impacts to energy and natural resources are not considered significant and no mitigation is warranted.

Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2. Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

Public Services and Utilities

The change of use, increase in development on the site, and type of development (office and retail) are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application. All exterior entrances to the building would be well-lit and equipped with security gates.

All utilities required to serve the proposed development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

Carbon Footprint

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.

Existing and Projected Land Use; Comprehensive and Neighborhood Plan

The site is currently occupied by an office building and surface parking. With the redevelopment proposal, the site would be redeveloped into a commercial office building with ground-floor retail uses. The land use of the site would thus be changed with the proposal.

The proposed project is compatible with surrounding uses and is located in an area of mixed Industrial-Commercial and Seattle Mixed zoning. The site itself is zoned Industrial-Commercial (IC-85). The redevelopment proposal is consistent with the IC-85 zoning of the property. Office and retail uses are permitted outright in the IC zone. The proposal complies with development standards applicable to commercial office and retail development within the IC-85 zone.

The City of Seattle Comprehensive Plan designates the site as an Industrial Area, and it is located in the South Lake Union Urban Center. The proposed commercial office and retail development is consistent with the Comprehensive Plan designation.

In addition, the proposed project complies with the South Lake Union Neighborhood Plan. This Plan is one of 37 neighborhood plans prepared with the participation of people in the neighborhood to articulate a vision for growth and change over the next 20 years, which identifies actions to be taken to help achieve this vision and further implement the Citywide Comprehensive Plan. The Plan adopts several neighborhood specific goals and policies. The project is consistent with the following policies and goals:

- SLU-G1: A vital and eclectic neighborhood where people both live and work, where use of transit, walking and bicycling is encouraged, and where there are a range of housing choices, diverse businesses, arts, a lively and inviting street life and amenities to support and attract residents, employees and visitors.
- SLU-G2 A neighborhood that recognizes its history as a maritime and industrial community and embraces its future as a growing urban center that provides for a wide range of uses.
- SLU-G3: A neighborhood that serves as a regional center for innovative organizations and that supports a diverse and vibrant job base.
- SLU-G6: A livable, walkable community that is well served by transit and easy to get around by foot, bike or transit.
- SLU-P6 Establish incentives to encourage preservation, reuse and rehabilitation of historically significant structures in the neighborhood; explore incentives to encourage the adaptive reuse of other older buildings in the neighborhood that provide a visual reminder of the past and promote diversity of character and building types.
- SLU-P9 Support the growth of innovative industries in South Lake Union including biotechnology, information technology, environmental sciences and technology, and sustainable building.
- SLU-G10: Parks and open spaces provide an obvious and inviting purpose, accessible to and meeting the needs of an increasingly diverse neighborhood as it grows and changes.
- SLU-P31: Use visual and physical connections between open spaces, adjacent streets and surrounding activities to stimulate positive social interactions.

The proposal conforms to the above-stated goals and policies. The site is in close proximity to transit facilities and residential areas. The tenant for this building is Amazon.com, a company which will add to the neighborhood's burgeoning reputation as a center for innovation and creativity. Users such as Amazon.com will help to create the vital and eclectic South Lake Union neighborhood sought by the Plan. The planned public courtyards/plazas and street landscaping will provide open space and improve physical connections in the neighborhood.

It is the City's SEPA policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with adopted City land use policies. The subject proposal is compatible with surrounding uses, zoning, and City policies. The proposed mixed use project is consistent with the South Lake Union Neighborhood Plan and the Seattle Comprehensive Plan. No mitigation resulting from land use impacts is warranted.

Summary

In conclusion, no significant adverse impacts on the environment are anticipated to result from the proposal.

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 - SEPA

Prior to Issuance of Demolition, Grading, or Construction Permits

The owner(s) and/or responsible parties shall:

1. Prior to issuance of a construction permit, the contractor shall provide a construction traffic plan to SDOT for review and approval. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.

2. An Energy Conservation Plan shall be approved by DPD in consultation with City Light prior to issuance of a building permit for construction of the core and shell structures.

3. A drainage control plan, including a temporary erosion and sedimentation control plan, will be required with the construction permit application.

4. A Shoring and Excavation Permit shall be required prior to issuance of a construction permit.

5. Construct the project with siting, materials, and architectural details substantially the same as those presented to and receiving a recommendation of approval from the Design Review Board meeting on October 15, 2008, except as noted in the following conditions.

6. The applicant shall further design the Thomas St. façade to incorporate some landscaping at the base of the wall, possibly including some benches there. DPD Design Review Staff shall approve the design before the applicant submits building permit applications.

7. The vertical line element joining the roof on the east façade shall be further designed so that it reads as a more integral element. DPD Design Review Staff shall approve the design before the applicant submits building permit applications.

8. The precast concrete proposed for surface elements of the structure base shall be sandblasted or otherwise treated to improve its texture and appearance.

<u>During Construction</u>

9. To minimize on-street parking in the project vicinity due to construction impacts, construction workers should park at off-street facilities made available by the applicant and/or the applicant's contractor.

10. Comply with the limitations contained in the approved construction-phase transportation plan.

11. Debris and exposed areas shall be sprinkled as necessary to control dust; and truck loads and routes shall be monitored to minimize dust-related impacts.

12. Use well-maintained equipment to reduce emissions from construction equipment and construction-related trucks and avoid prolonged periods of vehicle idling.

13. Use electrically operated small tools in place of gas powered small tools wherever feasible.

14. Trucking building materials to and from the project site shall be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.

15. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). 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.

<u>Prior to Certificate of Occupancy</u>

16. The applicant shall pay a transportation mitigation fee of $368,100 to SDOT, to be apportioned among South Lake Union transportation projects.

17. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.

18. 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.

19. All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.

Signature: (signature on file) Date: March 9, 2009

Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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