



City of Seattle

Mike McGinn, 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: 3009251
Applicant Name: Alan Cornell for Daniels Development
Address of Proposal: 201 South King Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one residential building (668 units) distributed among three towers (10, 20 and 25-stories) with ground level retail (21,784 sq. ft.) and 399 above grade parking stalls and one, 20-story 424,061 sq. ft. office building with ground level retail (11,762 sq. ft.) and 502 (491 stalls are replacement parking for Qwest Field) above grade parking stalls. Project includes 25,000 cu. yds. of grading. Project includes an Addendum to the EIS prepared by City of Seattle (Livable South Downtown Planning Study - May 2008).*

The following approvals are required:

Special Exception - To allow maximum width of setback along S. King Street to exceed 60 feet pursuant to SMC 23.49.180.

SEPA - To approve, condition, or deny the project pursuant to Section 25.05.660 of the Seattle Municipal Code (SMC)

SEPA DETERMINATION: Exempt DNS MDNS EIS*

 DNS with conditions

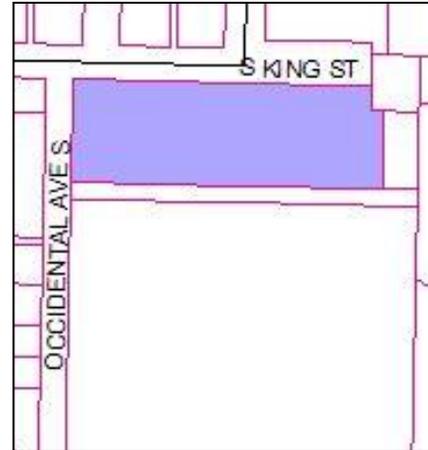
 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

*The original application notice was published on July 24, 2008 and included a proposed rezone. The rezone component was eliminated from the proposal and the project was re-noticed on November 5, 2009. The South Downtown FEIS was adopted with an Addendum for the proposed development. The Notice of Availability of the EIS Addendum was published on November 9, 2009.

BACKGROUND DATA

Site Description

The site is located in Seattle's Pioneer Square on a 3.85-acre site that is bounded by S. King St. on the north, Occidental Ave. S. on the west, King St. Station/Burlington Northern/Santa Fe Railroad right-of-way on the east, and the south-half of the Qwest Field surface parking lot to the south. The site is essentially rectangular in shape and oriented in an east-west direction. The length of the site (east-west dimension) at its greatest is approximately 703 ft. and the width of the site (north-south dimension) is approximately 240 ft. The site is bordered by S. King St. on the north and Occidental Ave. S. on the west; there are no public rights-of-way within the site boundary. (See Figures 1-3 of the EIS Addendum).



The topography of the site is essentially flat – varying by less than 2 ft. overall. In the west-half of the site, the topography slopes gradually from the central drive toward the west property line and in the east-half of the site the topography slopes from the central drive toward the east property line. The project site and much of the area south of S. King St. is designated by the City as an Environmentally Critical Area due to the potential for liquefaction as it comprises fill placed in a tide flat area at the mouth of the Duwamish River around the turn of the century. A portion of the site is also located within the City's designated Government Meander Line Buffer.

The site is zoned Pioneer Square Mixed (PSM) 85-120. The PSM 85'-120' zoning designation allows a maximum height of 85 feet for non-residential development; the height limit increases to 120 feet for residential development or mixed-use development in which a minimum of 75 percent of the total floor area in a building is in residential use. Additional height up to a maximum height limit of 240 feet is possible provided that certain provisions are met pursuant to SMC 23.49.180.

The site is currently a 491-space commercial surface parking lot. The lot is used for event parking by Qwest Field and the adjacent Qwest Field Exhibition Center as an event staging area and for commercial parking during non-event times.

Vicinity Description

The site is located within the Pioneer Square Preservation District. To the east and northeast, across Burlington Northern Santa Fe Railroad ("railroad") tracks, is the International Special Review District ("International District"). The Pioneer Square and International District neighborhoods have been recognized at the local, state, and national levels for their importance to the history and culture of the region. To the south, the area is zoned for industrial uses and is contiguous with the Greater Duwamish Manufacturing and Industrial Center, which stretches

south for several miles through the Duwamish corridor. Immediately to the south of the site are a surface parking lot and the Qwest Field and Events Center. Development in the vicinity is a mixture of uses, including commercial, industrial, residential, and transportation uses west, north and east of the site. Pioneer Square and the International District contain a wide mixture of manufacturing, warehouse, retail, office, and residential uses, many in small mixed use buildings. The pattern of existing land uses surrounding the project site includes a mix of sport complexes, office, residential, transit and retail uses. Land uses surrounding the project site include:

- **North** - King Street Station, a train station built in 1906 which is listed in the National Register of Historic Places; several office buildings including the Westland, a 6-story office building constructed in 1907; F.X. McRory's, a 7-story office/restaurant building constructed in 1906; the Greybar, a 2-story office building constructed in 1930; the Goldsmith, a 7-story office building constructed in 1907; and King Street Center, an 8-story office building constructed in 1998;
- **South** - The south-half of the Qwest Field surface parking lot; and Qwest Field, an NFL football stadium;
- **East** - The King Street Station and the Burlington Northern/Santa Fe Railroad right-of-way; and
- **West** - The Florentine Condominiums, a 6-story building constructed in 1910; and 101 King St., a 6-story office building constructed in 1910.

Several arterials serve the site and surrounding communities including S. Royal Brougham Way, 1st Avenue S., 4th Avenue S., 6th Avenue S., Airport Way S., and Alaskan Way S... These streets carry from four to six lanes of traffic and are generally improved with paving, curbs, sidewalks, lighting and, in some places, street trees. The area is also served by Interstate 90, Interstate 5, the Alaskan Way Viaduct (State Route 99), and the E-3 Busway, a bus-only street located between 4th and 6th Avenues South, which connects the downtown bus tunnel to the highway system. Local access streets include Occidental Avenue S., Third Avenue S., Second Avenue South, S. King St., S. Jackson Street, S. Atlantic Street, and S. Massachusetts St.

Proposal Description

The proposed development would involve the development of an estimated 1,507,881 sq. ft. of gross floor area associated with a mixed-use development consisting of residential, retail, office, structured parking and common open space. Development would occur on the west and the east portions of the site, separated by a 90-foot wide open area that is aligned with 2nd Ave. S.

The west half of the site would consist of a 4-story podium that would include 21,784 sq. ft. of street-level retail/restaurant retail space, residential lobby and four levels of above grade parking (approximately 399 spaces). Three residential towers (with 668 residential dwelling units) would be located atop the podium, varying in height from 6 stories to 21 stories. The retail space would be located along Occidental Ave. S., King St. and at the northeast corner of this block, along the access drive and would be accessible from each of the adjacent streets that border this block. Access to and from parking within the podium would be from a secure entry located in the southwest portion of the podium that would provide a direct connection to Occidental Ave. S. A 24-ft. wide curb cut is proposed. Parking is proposed for 194 bicycles in the southeast area of

Level A. Access to the parking would be from the vehicular ingress/egress to the podium. The east-half of the proposed development would consist of a 5-story podium that would include street-level retail space and above-grade parking with a 15-story office tower proposed atop the podium. Approximately 11,762 sq. ft. of retail/restaurant space would be located in the east-half of the North Lot and would be located along S. King St. and in the northwest corner of this block, adjacent to the open area that is aligned with 2nd Ave. S. This space would be accessible from S. King St. and the access drive.

A total of approximately 424,061 sq. ft. of gross floor area of administrative office space is proposed for the east-block tower. Access to and from parking within the podium would be from a secure entry located in the southwest portion of the podium that would provide a direct connection to the open area that is aligned with 2nd Ave. S and a 24-ft. wide curb cut is proposed. Structured parking is proposed for 502 vehicles in the east-half of the development. This amount of parking would replace the existing parking (491 spaces) and would meet the needs of office tenants within the development. Parking is proposed for 72 bicycles in the southwest and the southeast areas of Level A. Access to the parking would be from the vehicular ingress/egress to the podium. Five loading spaces are proposed in the southeast portion of the podium with access from the private access drive adjacent to the east-side of the podium.

The Pioneer Square Preservation Board recognizes the proposed site as a transition area within the Pioneer Square Historic District. The site is adjacent to King Street Station, a structure that is designated in the National Register of Historic Places, as well as other key buildings within the District and it is in close proximity to Qwest Field. To ensure that subsequent re-development of North Lot is compatible with the Pioneer Square Historic District, in May 2007, the Board enacted "*Design Guidelines for New Construction on the North Lot in Pioneer Square.*" Appendix C of the EIS Addendum includes the full guidelines. The Guidelines establish goals and they provide design direction with regard to new construction; architectural details; building signs; awnings, canopies and lighting; rooftop and mechanical elements; land use; parking; streets and sidewalks; and public art.

To date, the North Lot Development team has had several design-related meetings with the Pioneer Square Historic Preservation Board and/or the Board's Architectural Review Committee, as well as the International District. Because the subject site is within the Pioneer Square Historic District, a Certificate of Approval is required for new construction -- to establish the use and the design -- before any City permit or license can be granted for the development. A Certificate of Approval is an official notice that is issued by the Director of the Department of Neighborhoods based on a recommendation by the Pioneer Square Historic Preservation Board. The Certificate of Approval is required before DPD or other City departments can issue permits for work that would result in new construction, any change to the exterior appearance of a Pioneer Square Historic District structure, demolition or remodeling. An application for the Certificate of Approval was filed with the Department of Neighborhoods, Pioneer Square Preservation Board June 25, 2008.

Master Use Permit Expiration

Per SMC 23.76.032.A.1.f(1), the Land Use Code allows up to a maximum of a 15-year term for the life of a Master Use Permit pursuant to several criteria. The applicant submitted a formal request for the full 15 year MUP term in a letter dated October 30, 2009. The Code states,

The Director shall consider the complexity of the project, economic conditions of the area in which the project is located, and the construction schedule proposed by the applicant in setting the expiration date. If no expiration date is set in the Master Use Permit decision, the expiration date is three years from the date a permit is approved for issuance... In order for the Director to set the Master Use Permit expiration date, the applicant shall:

a) Submit with the application a site plan showing a level of detail sufficient to assess anticipated impacts of the completed project; and,

The applicants submitted site plan demonstrates that the North Lot development presents both a complex site, and a complex project. With regard to the site, it is one of the largest development sites in Downtown Seattle. The property has contaminated soil, high water table and is in a liquefaction zone. These factors combine to make for a challenging construction environment. Additionally, the proposed project is complex, involving a creation of a large, new mixed-use Transit Oriented Development (TOD) in an urban location. The project will require several phases of construction in order to complete both the residential and commercial components of the development, all of which will be subject to market conditions. The project is also using a height and FAR bonus, which adds to the complexity of the project schedule and build-out.

In terms of economic conditions, the current recession has severely hampered real estate development with the prospects of only a slow and gradual recovery. Furthermore, there is a long history of planning in conjunction with redevelopment of the general area of the site, referred to as the North Lot. More recently, in July 2005, King County issued a Request for Qualifications (RFQ) for the purchase and redevelopment of the “North Half of the Former Kingdome Parking Lot (North Half Lot) by a private developer for quality mixed-use development, which must include housing, and community friendly retail and commercial uses.” The RFQ provided background information regarding the site, outlined terms of the real estate Purchase and Sale Agreement, established procedures for the submittal of Statements of Qualification, and defined the evaluation criteria to be used. King County issued several addendums to the RFQ that further clarified information regarding the project and responded to questions raised by prospective applicants.

In June 2007, King County entered into a Real Estate Purchase and Sale Agreement with North Lot Development, L.L.C. The Agreement indicates that the proposed development is to provide 400 units of housing (100 of which must be “affordable”), replacement parking for the Washington State Public Stadium Authority, and provide certain view/access rights, as well as numerous other covenants. These factors are additional contributors to unusual project complexity and economic conditions.

b) Submit a proposed schedule for complying with the conditions necessary to gain the amount of extra floor area and the extra height sought for the project.

To gain extra height and floor area compliant with sections 23.49.180.B.1 (a), (b) and (c) and 23.49.180.E.3, respectively is required. Compliance with these conditions cannot be achieved until the last phase is completed. The applicants proposed schedule illustrates the project will be constructed in several phases, but no one phase satisfies all the conditions, rather each phase will satisfy a portion of the conditions. Extra height requires: residential floor area equal to or greater than a floor area ratio (FAR) of 2; completion of pedestrian routes and construction of the open area extending through the site aligned with 2nd Avenue S. right-of-way, as well as compliance with standards of subsections 23.49.180.C through I. Subsections C through I control many of the development standards for the entire development such as building setbacks, open areas and uses.

While the exact location of the affordable housing within the project is not known at this time, it is anticipated that most of these units would be located in the podium portion of the westerly block and would be constructed during the first three phases of the residential construction. The proposed FAR for the project is 6.69. To achieve FAR over 4.0 the project would propose to provide housing in order to build the additional “area”. This would require construction of 63,197 square feet of “affordable housing units” to obtain the “extra floor area” referenced in SMC Section 23.76.032.A.1.f.(1)(b). This square footage would satisfy the City requirement and be part of the overall County requirement of 100 affordable housing units.

Upon reviewing the information provided by the applicant, the 15 year MUP term is **GRANTED with the following provision:** shall be subject to terms pursuant to Seattle Municipal Code section 23.76.032 and special conditions placed on the project by City Council in Council Bill 116505, Section 14.

Public Comment

The original public comment period ended on August 6, 2008. The following comments were received:

- Does not support construction of 25 story building at the subject lot.
- Concerned with the loss of views from the stadium of the city skyline. Additional height will damage these views.
- Consider minimizing the parking provisions proposed with this development.
- Request to be a Party of Record.
- The Washington State Public Stadium Authority (PSA) opposes the height increase, would like to see more specificity on the development standards that may be modified by the Public Use and Development Agreement for this subject site and believe that a project specific EIS should be prepared prior to the rezone application. Specifically, the environmental impacts to be considered are on view corridors, transportation, parking, public infrastructure, economic impacts on the Qwest Field and Events Center and light, air and shadows.

Subsequent to this public notice, the rezone request for additional height was eliminated from the proposal (see letter from Daniels Development in project file dated December 17, 2008) and the project was re-noticed on November 5, 2009. The public comment period for the revised project notice ended on November 18, 2009 and the public comment period for the Notice of Availability for the EIS Addendum ended on November 24, 2009. Several comment letters were received offering the following comments:

- The PSA expressed concern that the environmental documents do not adequately address appropriate mitigation for some of the identified impacts related to construction of the proposed development. Specific mitigation should be required for noise; parking and traffic impacts associated with construction should be imposed.
- First & Goal, who operates the Qwest Field and Event Center (QFEC), has been very involved with the Livable South Downtown Planning Study and EIS which includes a planning level analysis. First & Goal feels that the project specific impacts related to construction were not fully addressed in the Addendum to the EIS. Achievable mitigation and performance standards should be required. The areas of concern include construction noise, construction worker parking, construction parking (temporary stadium and event center) and construction staging impacts to city streets and QFEC.
- Reiteration by the PSA that mitigation of the proposed project include more detailed mitigation, a Construction Noise Management Plan, a Transportation Management Plan and an analysis of temporary parking alternatives for construction workers and displaced Qwest Field parking as part of TMP.
- Clarification by First & Goal that specific mitigation is necessary because there is no guarantee that the current owner will actually be developing the project so assurances made by the current owner need to be memorialized. Concern about the pile driving noise was also reiterated. That particular activity may exceed the noise ordinance standards and this activity should not occur during QFEC events. Pile driving should be prohibited during evening and weekend hours, as well as an hour beforehand.

These issues are discussed in the analysis below.

ANALYSIS – SPECIAL EXCEPTION

In SMC 23.49.180.G4.b(3), the Land Use Code requires street-facing façades be provided on all street frontages and the maximum length of any setback area, as measured along the street lot line, shall not exceed 60 feet. The proposed design includes a building setback located at the northwest corner of the west building that measures approximately 98'-4" wide, exceeding the 60 foot maximum by 38'-4".

In SMC 23.49.180.J, the code allows for departures from these development standards as a Special Exception. The Code states,

As a special exception pursuant to Section 23.76.004, the Director may waive or modify those development standards in Section 23.49.180 that would be eligible for departures through the design review process pursuant to Section 23.41.012, if they were applicable to a project subject to that process. The Director shall consult with the Pioneer Square Preservation Board and the

Director of the Department of Neighborhoods prior to making a decision on a requested modification or waiver. The Director may grant a waiver or modification only if the Director determines that it will cause the project to better meet the intent of this Section 23.49.180 and the Design Guidelines for New Construction on the North Lot in Pioneer Square, as adopted by the Pioneer Square Preservation Board.

On October 7, 2009, the Pioneer Square Preservation Board reviewed the proposed design and development standard modification from setback width. The Board discussed that the building massing notches back at this corner, at the intersection of South King Street and Occidental Avenue South to create larger open spaces at this location and respond to the shift in the street grid. The Board agreed that the proposed setback at this corner conformed to the Design Guidelines for the North Lot and provided connectivity to the surroundings, context and pedestrian accommodation in Guidelines Goal (1.1). The setback also responds to the Context (GG 3.1) of the terminus of Occidental and the changing of the street grid and being a thoroughfare on game days. Although the guidelines suggest building to street sidewalks, the guidelines also state that the street level should relate to the street wall patterns of the design by aligning the building across the street (GG 4.5). Under Streets and Sidewalks (GG 10), the design creates an area for sidewalk cafes, vendors and/or street furniture. The Board support for the proposed setback was unanimous and the DPD Director consulted with the Director of the Department of Neighborhoods. The Director, therefore, **APPROVES** the proposed setback as a Special Exception.

ANALYSIS - SEPA

A Final Environmental Impact Statement (FEIS) was published for the Livable South Downtown Planning Study proposal in May 2008. The FEIS identified, evaluated and compared the probable significant environmental impacts that could result from area wide zoning changes. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and four other alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the Pioneer Square Mixed (PSM 85-120) zoning district. DPD determined that for SEPA compliance associated with the subject site, it is appropriate to adopt the South Downtown EIS and prepare an EIS Addendum to add more detailed, project-specific information. DPD has determined that the proposal impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the South Downtown FEIS. DPD determined that the EIS Addendum should address the following areas of environmental impact:

- Earth
- Environmental Health
- Noise
- Construction
- Air Quality – Greenhouse Gas Emissions

- Land Use
- Historic Resources
- Cultural Resources – Archeology
- Aesthetics – Urban Design & View shed
- Light, Glare & Shadows
- Transportation

The FEIS was prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning South Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. Accordingly, the Notice of Adoption and Availability of Addendum was published in the City's Land Use Information Bulletin on November 5, 2009. A copy of the Addendum was sent to parties of record that commented on the EIS for the South Downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project. As referenced, the Addendum prepared for this project included an analysis of the project impacts disclosed above.

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, must be reasonably capable to being accomplished 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 an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

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.

Short-term (Construction-Related) Impacts

Construction impacts from the project will occur in phases and extend over several years, and will affect the operation and enjoyment of businesses, residences and amenities in the area. The following short-term construction-related impacts are expected to result from the proposed development: decreased air quality due to suspended particulates from excavation and building activities, and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; potential soil erosion; potential disturbance of contaminated subsurface soils and groundwater during grading, utility

excavations and general site work; pile driving; potential damage to historic or archaeological resources; occasional traffic interruptions; increased traffic and demand for parking from construction equipment and personnel; increased noise; temporary utility disruptions; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (controls grading, site excavation, temporary shoring, and soil erosion); Environmentally Critical Areas Ordinance (controls development in liquefaction prone soils); the Street Use Ordinance (requires watering/sweeping streets to suppress dust, removal of debris, and minimizing obstructions of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Control Ordinance (controls construction-related noise). Compliance with these and other local, state, and federal regulations will reduce or eliminate most short-term impacts to the environment.

In most cases these regulations provide adequate mitigation. However, the size, location, and other aspects of this project require that some additional measures be employed to adequately mitigate impacts. The following evaluates potential construction-related impacts in terms of short-term, earth, air quality, light/glare, and transportation-related impacts. Also, while the majority of all construction activity would occur during the daytime, at times it may be necessary for some construction activity to occur during evening hours. Such activity may be necessary to reduce the duration of the overall construction timeframe and/or because the City requires certain construction activities to occur at that time in order to reduce impacts to pedestrians and vehicles during the day. In this case, construction activity associated with the proposed development would be noticeable to some adjacent land uses.

Light and Glare

Construction of the proposed development may result in periodic light and glare related impacts both from stationary sources and mobile sources – particularly at night and during times of the day with low light levels. The amount of light and associated glare, however, is not expected to differ substantially from that which presently occurs from other similar buildings proximate to the project – or from the parking that now occurs on-site.

Stationary sources of light include area lighting of the job site during days/times of low light levels. Such is necessary to meet safety requirements. Headlights of construction-related vehicles accessing the site may at times be noticeable to residents of the adjacent Florentine Condominiums, located on Occidental Ave. S. While noticeable, such lighting is not expected to cause significant impacts. Pursuant to SEPA Policy SMC 25.05.675.K.2.d.iii regarding light and glare impacts, the project shall be conditioned, however, to require construction-related lighting to be shielded and directed away from adjacent residential land uses. No significant light and/or glare-related impacts are anticipated in conjunction with mobile sources -- construction vehicles entering or exiting the site.

Earth

Under the alternatives identified in the *South Downtown* EIS, development is expected to occur in locations with elevated seismic risk potential, including the proposed North Lot Development. However, Seattle's building code requires increased structural strength and would limit seismic damage potential to new structures. Water, sewer, electrical, communication and natural gas utilities in the area would still be at risk from seismic hazards, as would the transportation infrastructure. The soil, geologic hazards and groundwater conditions of the site were evaluated in the Preliminary Geotechnical Evaluation report by Terra Associates dated June 11, 2008 and discussed in the EIS Addendum. Compliance with the Drainage and Building Code, Best Management Practices will sufficiently ensure impacts to earth and drainage associated with the project will be addressed. The EIS Addendum outlines the following considerations for soil, geologic hazard and groundwater reviews.

Soils

1. To avoid disposal issues associated with contaminated materials, the preferred pile system should be one that produces no or little soil cuttings, such as driven piles.
2. The use of driven grout piles or omega rotary torque displacement piles should be considered related to noise mitigation and considered in light of other environmental issues such as contaminated soil removal, soil contamination migration, cultural resources and physical obstructions.
3. To prepare a stable subgrade suitable for support of construction vehicles, sub-cutting a minimum of two feet below the subgrade elevation, and placing geotextile reinforcing fabric, such as Mirafi 600X (or equivalent) and then restoring grade using recycled asphalt and concrete (from on-site demolition) or crushed rock such as railroad ballast or similar material should be considered.

Geologic Hazards

4. Based on review of existing site data, the site would not be susceptible to amplified ground motions during a seismic event and the potential for building damage due to ground shaking should be mitigated by designing the structure in accordance with seismic requirements outlined in Chapter 16 of the 2006 Seattle Building Code.
5. Building support should be established on pile foundations that derive their capacities on the deeper glacially consolidated soils below the fill and beach deposits at depths ranging from 50 to 75 feet from west to east across the site.
6. To establish a stable pipe foundation for shallow utility pipes in the soft fill soils that are present, some over-excavation below the pipe invert are necessary and replacement with crushed rock or bedding material should be required.

Groundwater

7. During construction, temporary dewatering to control groundwater would be required. Dewatering systems consisting of regularly-spaced well points should be necessary in order to lower groundwater levels, stabilize soils, and maintain relatively dry working conditions.
8. Permanent sub-slab drainage should be provided beneath the parking level.

Environmental Health

The Livable South Downtown FEIS indicates that some contaminated soils and groundwater may be encountered during construction. Site remediation will be undertaken as necessary during construction, pursuant to the Model Toxics Control Act (MTCA). A Cleanup Action Plan is the document in which Ecology defines the cleanup remedy for a site. The Cleanup Action Plan is typically part of a legal agreement (e.g., a Consent Decree) between the state and lead party conducting the cleanup. As confirmed by a letter from the Department of Ecology (DOE) Director (dated April 22, 2009), the precise scope of the cleanup of contaminated soils on site will be resolved by Ecology pursuant to a Prospective Purchaser Consent Decree. It is expected that the Consent Decree and the Cleanup Action Plan (CAP) will be finalized in 2010. Pursuant to the procedures identified in WAC 197-11-250 et seq., DOE will serve as lead agency for the cleanup component and the City will continue to serve as lead agency herein for the development component.

The current conceptual Cleanup Action Plan (CAP) is based upon soil and groundwater data collected to date during the initial phase of the soil and groundwater investigation. The CAP will be adjusted, as necessary, based on the findings of the proposed additional investigation. The potential mitigation described in the EIS Addendum for the conceptual CAP shall be adopted as a condition of the project.

Based on the analysis by the DOE, a Cleanup Action Plan shall be developed for this site. The components of the CAP shall address the following portions of the property and the environmental health contaminants associated with each area. The CAP shall be finalized in consultation with DOE and evidence of DOE's review and approval shall be submitted to DPD prior to issuance of the building permit.

1. A copy of any voluntary cleanup plans submitted and/or approved by the Department of Ecology, including any provisions for ongoing monitoring and associated operation and maintenance. A copy of any partial or final No Further Action Letters issued by the Department of Ecology shall be submitted to DPD.

Noise

The South Downtown EIS notes that noise in the area is generated by transportation-related sources, as well as typical Downtown and industrial land uses and activities. The South Downtown EIS studied noise conditions in the area and made conclusions regarding the suitability of areas for residential uses based on criteria identical to HUD standards. That study included sound level measurements at ten locations with a potential for future residential developments. The review concluded that sound levels at all the measurement locations considered were above the HUD "normally acceptable" levels for residential use (i.e., 55-65 dBA, Ldn).

Section II B of the EIS Addendum includes a discussion of construction-related noise impacts. The noise limits included in the City's Noise Code (Seattle Municipal Code Chapter 25.08) are applicable to construction and operation of this project. This code sets levels and durations of allowable daytime/nighttime operational noise and daytime construction noise. These limits are based on the zoning of the source and receiving properties.

During construction, there would be temporary increases in sound levels near active areas of the site and near streets used for construction vehicles. The increases in noise levels would depend on the type of equipment being used and the amount of time it is in use. Construction of the proposed development is expected to occur in phases.

Impact pile-driving noise can be particularly intrusive to nearby receivers, because it includes repetitive loud banging during insertion and load-testing of the piles. The EIS Addendum therefore considered pile-driving a separate construction noise source in addition to the other considered sources. It is expected that between 950 and 1,375 piles would be required for the proposed project, depending on the type(s) of piles and building materials selected.

Pile driving for the East Block is expected to require about 45 days to install between 500 and 575 piles, depending on the pile type. Construction of the West Block would require an additional 45 days and between 450 and 800 piles depending on the pile type and final selection of building material. The amount of sound generated by pile driving depends on a number of factors including the type of pile driver, the type of piles, and the material into which the pile is being driven (i.e., the force required). Potential on and off-site noise from project-related pile driving was assessed based on measurement data collected during a typical diesel-powered pile driver installing a wooden pile. Potential on-site noise levels from pile driving would be high, but would not exceed the hourly Leq limit allowed by the Seattle noise ordinance.

It is expected that either driven grout piles or omega rotary torque displacement piles could be used to meet the complex requirements of the project site (Terra Associates, 2008). The range of noise levels generated from grout-driven piles would likely be somewhat lower than from a diesel hammer driving a steel pile. Because grout-driven piles use a steel casing filled with pressurized liquid concrete grout that would dampen the high-frequency ringing often associated with driving of steel piles. For that reason, the data from driven wooden piles may somewhat over-state the noise from pile driving using this method. Omega rotary auger piles would emit less noise than a driven grout pile system because piles are screwed in instead of driven.

Should grout-driven (impact) piles be used for some or all of the project's required piles, there are a number of simple measures that can reduce the noise generated by impact-type pile driving. These measures provide only limited reduction, however, generally 5 dBA or less. The EIS Addendum concludes that regardless of applied mitigation techniques, it is likely that if grout-driven piles are used, noise impacts would occur at adjacent off-site receivers, including the Florentine Condominiums, the closest residential use.

Although most construction activity is expected to be within acceptable limits, construction sound levels may, at times, exceed these limits. Therefore, noise mitigation is required in order to comply with the City's noise limits. Per the Noise ordinance, Section 25.08.425, all noisy startup and preparatory activities like starting engines before 7 a.m. on weekdays and 9 a.m. on weekends is prohibited. Pile driving activities are limited to between the hours of 8 a.m. and 5 p.m. during weekdays and between 9 a.m. and 5 p.m. on weekends. This would limit this noise source to those times of the day when most people are most likely to be away from home or less sensitive to high levels of construction noise. The timing restriction also would limit pile driving to times when other noise sources would make the addition of pile-driving noise least noticeable.

As per Section 25.08.425(C) of the Seattle Code, the 60 dBA sound level limit for commercial receivers must not be exceeded by more than the allowed short-term increases between the hours of 8 a.m. and 5 p.m. Every reasonable effort must be made to ensure these limits are met, including closing windows, etc. Various practices can reduce the effects of construction noise on people proximate to the project site. For example, construction noise can be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off idle equipment. Such measures are especially effective for engines used in pumps, compressors, welding machines, and similar equipment that operate continuously and contribute to high, steady background noise levels. In addition to providing about a 10-dBA reduction in equivalent sound levels, such measures demonstrate the contractors' commitment to minimizing noise impacts during construction.

Due to the proximity of sensitive receptors to the site, the unusually long period of time during which high level noise generating activities such as pile driving and concrete crushing will take place, and past experience with these activities at other projects in the immediate area and in the City demonstrating that the provisions of the Noise Ordinance may be inadequate to fully mitigate impacts expected from this project, additional mitigation measures will be necessary. The EIS Addendum concludes that other measures construction contractors may choose to employ to reduce noise generation and/or transmission of pile-driving and other construction noise may reduce potential on and offsite impacts. Pursuant to the SEPA Construction Impacts Policy, 25.05.675.B, in addition to requirements of the noise ordinance, construction activity in general, noise from jack hammering, concrete crushing and pile driving shall be mitigated as described below.

1. Prepare a Construction Management Plan for review and approval by DPD prior to Building Permit Issuance. The Construction Management Plan shall include the following conditions regarding piling, hours of operation and noise. DPD reserves the right to modify these conditions based on phasing parameters.
 - a) Auger cast piles shall be used wherever soil and substrate conditions allow. If determined to be infeasible and after consideration of all environmental factors including but not limited to, volume of contaminated soil removal, archeological considerations, underground obstructions, noise impacts and seismic and structural engineering considerations it is determined that driven grout or driven steel piles shall be used, then impact hammer noise reduction measures shall be employed, as necessary, to meet noise code requirements to reduce grout-driven impact noise or noise shielding system to reduce driven steel pile noise, especially along Occidental near the Florentine. The EIS Addendum (page 62) outlines the following mitigation measures for driven piles:

Potential impact hammer noise reduction measures include the following; some or all of these techniques could be employed to the extent practicable.

- Insert a wooden or plastic dolly between the pile head and the hammer.
 - Apply a damping compound to steel piles to reduce the vibration/ringing.
 - Shroud the lower part of the hammer; this is not generally considered very effective.
 - Silence exhaust gas pulsations from the engines of diesel-powered hammers.
 - Remove any unnecessary hanging chains; fix any loose bolts, panels, or over-slack leader guides.
 - Use a cushioned method in conjunction with a "heavy hammer-short drop" practice. This requires using interference fit guides to prevent kicking, rolling and vibration in the pile. While the overall sound level is not substantially reduced, the nature of the sound may be less annoying to people.
 - Regular equipment service and maintenance.
 - Another potential mitigation for impact drivers would be to use a Hoesch Noise Abatement Tower. This device encloses the hammer and driven pile. It was designed to provide the maximum sound level reduction with minimum possible weight. The composite panel is comprised of a "sandwiched" layer of 2 mm steel, 0.4 mm plastic, and 1.5 mm steel. A polyurethane layer 150 mm thick is foamed on the inner walls of the panels. This enclosure can reduce impact pile driving noise by up to 20 dBA.
- b) Construction activities shall be limited to daytime hours between 7 a.m. and 6 p.m. on weekdays and 9 a.m. and 6 p.m. on weekends and shall include all noisy startup and preparatory activities. In addition, the levels of impulsive sound and/or noise generated by impact types of construction equipment should be mitigated by use of best available technology such as, but not limited to concrete crushing and pile driving.
- c) Use of either broad-band or ambient-sensing vehicle back-up alarms to reduce the noise perceived at off-site locations and, therefore, reduce possible annoyance.
- d) In order to reduce the generation of on-site construction noise and the transmission of such noise to off-site locations, construction contracts for the proposed development should specify the following requirements:
- 1) All equipment and especially mufflers are to be maintained in good working order;
 - 2) Engine enclosures be used on non-portable equipment when the engine is the dominant source of noise;
 - 3) Stationary equipment should be placed as far away from sensitive receiving locations as possible - where this is infeasible, or where noise impacts may still be potentially significant, portable noise barriers shall be placed around the equipment with the opening directed away from the sensitive receiving locations;

- 4) To the extent feasible, substitute hydraulic or electric models for impact tools such as jack hammers, rock drills and pavement breakers to reduce construction and demolition noise; and
 - 5) Where feasible, equipment operations lift rather than drag to minimize material handling noise.
- e) Implementation of a noise monitoring system to ensure that construction activities are within the limits of the noise ordinance.
- f) Provide communication to all neighbors within a one block radius of the project, alerting residents and businesses in the vicinity as well as the Public Stadium Authority, First & Goal, Seattle Mariners, Ballpark Public Facilities District, and the Seattle Parking and Access Review Committee (PARC) of street closures, noise disruptions, utility or other service interruptions, and other construction-related impacts. On going communication shall be in the form of a website or mailed newsletter with periodic construction updates (at least quarterly) explaining the project schedule, by showing expected dates for specific operations, especially those that would interrupt or slow traffic movement, or result in interruption to service or altered pedestrian routes, or be especially noisy. The newsletter shall also contain the applicant's email address and contact number for public comment and feedback regarding neighborhood concerns about ongoing and upcoming construction operations. The applicant shall adjust construction programming as feasible to minimize impacts on nearby businesses and transportation operations, including impacts on stadium events and/or significant pre-event setup/tear-down activities. Periodic verbal communication with nearby residents and businesses shall also occur to ensure that messages about short-term construction operations are received by the most affected parties.
- g) Implementation of a noise complaint resolution procedure.
- h) The levels of impulsive sound and/or noise generated by impact types of construction equipment should be mitigated by use of best available technology, such as sound screening from neighboring receptor or use of hydraulic pile drivers, to the greatest extent reasonably possible.
- i) The driving of piles shall not occur one hour prior to start time of major events held in the Qwest Field outdoor bowl, during the event and for one hour following the event end time.
- j) Activities which will not generate sound audible at the property line such as work within enclosed areas or office work, or which generate very low levels of sound, such as security, are not subject to a limitation of allowed time periods.

- k) The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, DPD 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 DPD on a case-by-case basis prior to it taking place.
- l) Whenever appropriate, substitute hydraulic impact tools with electric models to further reduce demolition and construction related noise and vibration.
- m) Provide properly sized and maintained mufflers, engine intake silencers, and where necessary engine enclosures on operating equipment.
- n) Turn-off idling equipment.
- o) As necessary, to meet Seattle's noise ordinance, deploy portable sound barriers around generators and compressors.
- p) As needed, to meet Seattle's noise ordinance, construct temporary barriers at least as dense as one-half inch thick plywood with sound dampening insulation.
- q) Where possible, to meet Seattle's noise ordinance, locate the concrete pumping station and associated trucks to minimize impacts to residents in nearby buildings and other sensitive land use proximate to the project site.
- r) Pre-fabricate large duct risers and long interior runs and hoist them into place.
- s) Screen the building perimeter during steel fireproofing activities.

Air Quality

Construction of the proposed development would generate air pollutants as a result of fugitive dust from demolition activities associated with the surface parking areas, earthwork, and emissions from construction vehicles. The primary types of pollutants during construction would be particulates and hydrocarbons. Gasoline or diesel-powered machinery used for demolition, excavation, and construction emit carbon monoxide and hydrocarbons. Such emissions, however, would be temporary in nature and localized to the immediate vicinity of the construction activity. Also, trucks transporting excavated earth and/or construction materials would emit carbon monoxide and hydrocarbons along truck haul routes used by construction vehicles. Pursuant to the SEPA Air Quality Impacts Policy, 25.05.675.A and in order to mitigate the impacts of fugitive dust and other air-borne particulates related to construction activities, the following condition shall be imposed.

1. During construction, site development shall adhere to Puget Sound Clean Air Agency's regulations and the City's construction best practices regarding demolition activity and fugitive dust emission, including the following.
 - a) As necessary during demolition, excavation, and construction, sprinkle water on debris and exposed areas to control dust.
 - b) As necessary, cover or wet transported earth material.
 - c) Provide quarry spall areas on-site prior to construction vehicles exiting the site.
 - d) Wash truck tires and undercarriages prior to trucks traveling on City streets.
 - e) Promptly sweep earth tracked or spilled onto City streets.
 - f) Monitor truck loads and routes to minimize dust-related impacts.
 - g) Use well-maintained construction equipment and vehicles to reduce emissions from such equipment and construction-related trucks.
 - h) Avoid prolonged periods of vehicle idling.
 - i) Schedule the delivery and removal of construction materials and heavy equipment to minimize congestion during peak travel times associated with adjacent streets.

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. No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Historic Preservation

The South Downtown EIS identified two designated historic districts within the broader study area: the Chinatown/International Special Review District and the Pioneer Square Preservation District. However, the site itself does not contain any landmark structures. Therefore, no mitigation for loss of historic structures is required. Mitigation for potential impacts to historic structures adjacent to the site is provided either through existing regulations or through requirements of this permit. The site lies within the Pioneer Square Preservation District and will require a Certificate of Approval from the Seattle Department of Neighborhoods.

The Pioneer Square Preservation Board (PSPB) was established by City ordinance and given the authority to adopt guidelines intended to preserve the area's unique historic and architectural character and to assure the appropriate rehabilitation of the buildings within the Pioneer Square Preservation District. The PSPB reviews and acts on applications for Certificates of Approval, which are required for all projects within the district. A Certificate of Approval is necessary for any change of use and to alter, demolish, construct, remodel or to make any visible change to the exterior appearance of any building, public right-of-way or public space in the district. To ensure that the proposed development is compatible with the Pioneer Square Historic District, the PSPB adopted "Design Guidelines for New Construction on the North Lot in Pioneer Square."

The project site is currently a surface parking lot. Implementation of the proposed development would not involve the destruction or alteration of any historic resources (or any part of an historic resource). The massing and design of the proposed development is intended to preserve the scale and character of the adjacent streetscapes. As noted, the proposed massing would not alter the setting of the immediately adjacent resources to any greater degree than the nearby football stadium (Qwest Field). The subject site is located at the southeast edge of the Pioneer Square Preservation District and adjacent but outside the southeast boundary of the Skid Road-Pioneer Square Historic District (NRHP). Thus, the podium bases and towers will not obscure major streetscape-level view corridors toward historic properties from within the district(s). The proposed podium base and towers would block southerly views of Qwest Field along Occidental Avenue S. and Second Avenue S. Views of Qwest Field, however, do not contribute to the historic character of the district(s).

Pursuant to SEPA Historic Preservation Impacts (SMC 25.09.675.H) and the impacts discussed in the EIS Addendum, the following mitigation is required to ensure design and construction compatibility with the historic district:

1. The introduction of new construction at the project site within the Pioneer Square Preservation District shall require review and approval by the PSPB, according to the process established by City ordinance (SMC 25.28) utilizing the established design review process, adopted design guidelines and appeal process. To ensure that the project adequately addresses the impacts of Height, Bulk and Scale on the adjacent neighborhood, additional meetings before the Pioneer Square Preservation Board are required that highlight specific design solutions concerning the overall quality of materials and use of detailing at both the street level and upper portions of the façade, to ensure compatibility with surrounding buildings. Further, additional information concerning the proposed massing, roofline and use of materials in relation to the adjacent Landmark should also be considered. These conditions may be fulfilled through the Certificate of Approval process required for new construction by the Department of Neighborhoods and the Pioneer Square Preservation Board.
2. To avoid structural damage that could occur due to construction-related vibrations and/or earthwork. All excavation, earthwork and pile driving should be monitored in order to prevent and/or immediately address any such impacts to nearby or adjacent historic properties.
3. In order to avoid or limit the introduction of atmospheric elements that could alter and/or potentially damage historic building fabric or architectural features, all construction activities should be monitored by the contractor in order to prevent and address any such impacts to adjacent or nearby historic properties.

Cultural Resources

An Archeological Assessment for the proposed North Lot development was included as Appendix D of the EIS Addendum. The purpose of this analysis is to identify potential effects to archaeological resources that could result from construction of the proposed development.

The State Environmental Policy Act (SEPA, RCW 43 21C) and implementing rules contained in the Washington Administrative Code (WAC 197-11) require project proponents to identify any places or objects on or adjacent to the property that are listed in, or eligible for, national, state, or local preservation registers, and to identify sites of archaeological, scientific, or cultural importance on or adjacent to a proposed project site.

The City of Seattle Director's Rule 2-98, *Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for Potential Archaeologically Significant Sites and Requirements for Archaeological Preservation Assessments*, provides guidance on the identification and treatment of archaeological sites, protects especially culturally sensitive coastal locations and elaborates on the SEPA Historic Preservation Policy 25.05.675.H.2.e. The Director's Rule requires applicants for projects within 200 feet of the U.S. Government Meander Line to conduct research regarding the probable presence on the site of archaeologically significant sites or resources and identifies potential mitigation depending on the results of that investigation. Washington state laws address archaeological sites and Native American Burials. The northern part of the subject site is located within the meander line and thus is subject to this Director's Rule.

The Archaeological Sites and Resources Act [RCW 27.53] prohibits knowingly excavating or disturbing prehistoric and historic archaeological sites on public or private land. The Indian Graves and Records Act [RCW 27.44] prohibits knowingly destroying American Indian graves and provides that inadvertent disturbance through construction or other activities requires reinterment under supervision of the appropriate Indian tribe. In order to prevent the looting or depredation of sites, any maps, records, or other information identifying the location of archaeological sites, historic sites, artifacts, or the site of traditional ceremonial, or social uses and activities of Indian Tribes are exempt from disclosure [RCW 42.56.300].

Numerous ethnographic and historic sites are found near the project area. Analysis of geotechnical probes has identified historic period fill and artifacts throughout the area. Background investigations indicate that there is a moderate to high probability that pre-contact materials could be found within the northwest corner of the project area between 17 and 20 ft. below the surface (fbs). Similarly, there is a moderate to high probability that deposits representing several important historic themes are present in much of the project area. In addition to historic Native American camps and subsistence areas, remains of Seattle's initial Euro-American settlement as well as its early transportation, industry and commerce may be found. There is also a moderate to high probability that features related to former railroad activities could be located within the historic fill throughout the project area south of King St. Geotechnical analysis indicates that the zone with the highest potential for pre-contact archaeological materials is the contact area between the fill and the Holocene tide flat sediment.

The northwest corner of the project area and Denny Island are the most likely location for evidence of a longhouse, village or camp representing winter or at least long-term occupation, based on its strategic proximity to rich resources. Preliminary historic evidence also suggests the possibility of locating materials related to historic transportation development, as well as early industrial and commercial activities in the vicinity.

Excavations for the proposed development will be 10 fbs at a minimum, and could reach depths of 40 to 60 feet in areas where pilings would be installed. Removal of sediment for the below-grade portion of construction would generally be within the recent historic fill; however, it is likely that early historic fill and the boundary between the historic fill and the Holocene would be encountered between 12 and 17 fbs nearest the intersection between S. King St. and Occidental Ave. S. This may be slightly deeper than the necessary excavation for one-story below the ground surface, and would depend on exact engineering plans. This is also the location that has the highest potential for discovery of significant archaeological materials and is the area deemed to have the most probability for containing Native American archaeological materials.

The EIS Addendum contains specific mitigation measures that should be undertaken to minimize cultural resources-related impacts during construction; these mitigation measures shall be adopted as conditions of the project. Furthermore, SMC 25.05.675 H provides for mitigation of impacts on potentially significant archeological resources. Given that the research suggests the probable presence of archaeologically significant resources on the site, the proposed development is also subject to the mitigation measures outlined in Sections A and B of Director's Rule 2-98.

1. Interpretive projects such as signage, brochures, lectures, and publications that provide public awareness of the project's history should be incorporated into the proposed development.
2. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.
3. To ensure that discoveries made during construction are adequately addressed, the applicant should retain a qualified cultural resource specialist to work with the applicant in preparing a Cultural Resources Management Plan (CRMP) in consultation with the State Office of Archeology and Historic Preservation (OAHP), the Seattle Office of Urban Conservation, and local Native American tribes. The CRMP will assess the probability of archaeologically significant resources in the project area as well as identify procedures to be followed during construction to identify the presence or absence of potentially significant archeological resources on the site during construction, and establish procedures to follow if probable archaeologically significant resources are encountered.

The CRMP should include the following:

- a) If project excavates for below surface parking and because of the potential for pre-contact deposits to be located in the northwest corner of the proposed project site, and the lack of sufficient data to determine the level of probability for encountering them during project construction, then 3-6 rotasonic continuous bores should be placed in

- the northwest portion of the project. Additional data will help to clarify the nature of the deposits in that area and to determine if archaeological monitoring should be carried out during project construction.
- b) A subsurface survey of areas where there is a reasonable likelihood of encountering potentially significant archeological resources during construction, to be conducted when these areas are subject to required geotechnical investigations, excavations associated with installation of utilities, or the environmental assessment for hazardous materials;
 - c) An appropriate testing program to evaluate the significance of archeological resources encountered in the subsurface survey; and
 - d) A range of feasible mitigation measures that is appropriate to the importance and accessibility of the resources and consistent with applicable federal, state, and local regulations. Such measures could include design adjustments to avoid and protect resources, recovery of the resource data potential, and public interpretation of the resources. The CRMP should also provide procedures for evaluating and treating unanticipated archeological resources that might be discovered during construction.
 - e) Information regarding what measures should be taken upon finding archeological deposits.
4. If a probable archaeologically significant resource is discovered during construction, the procedures for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation shall be adhered to pursuant to DPD Director's Rule 2-98 shall be followed as outlined below, in addition to the following actions:
- a) Stop work immediately and notify DPD Land Use Planner and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - b) Abide by all regulations 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, or their successors.
 - c) If human remains are encountered, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area would be stopped and the area surrounding the discovery secured. The King County Sheriff, the King County Coroner, the Office of Archaeology and Historic Preservation (OAHP), and the DPD Land Use Planner that is assigned to this project would be notified at once. If the remains are Native American, the Suquamish Tribe, the Muckleshoot Tribe, the Tulalip Tribes, the Snoqualmie Tribe, the Duwamish Tribe, and the Yakama Nation should immediately be contacted. A treatment plan would then be developed by these parties. Construction excavation would not resume until authorized by OAHP.
 - d) Construction activity would be redirected away from the area of discovery for up to 24 hours so as not to cause further impacts.
 - e) The cultural resources specialist would take actions to evaluate the discovery and, within 12 hours, provide guidance to the applicant on specific actions for management and treatment of the resource.

After consultation with these parties, the City may take one of the following actions:

- a) Extension of the 24-hour redirection of construction to allow for additional consultation with OAHP and other coordinating parties and provide for further discussion concerning resource significance;
- b) If a mitigation plan is prepared for implementation with regard to discovered artifacts, a copy shall be sent to the assigned Use Planner and OHAP;
- c) Any State permits for excavation of archaeological resources will be obtained.
- d) Extension of the 24-hour period to allow for data recovery or implementation of alternative mitigation procedures.
- e) Resumption of construction in accordance with permits from the State Office of Archaeology and Historic Preservation, as necessary.

Transportation

Section K of the EIS Addendum describes construction-related traffic impacts that are likely to occur in varying degrees throughout the construction process. It is anticipated that most construction workers would arrive at the construction site prior to the AM peak period and depart either prior to the PM peak period or after the PM peak period, depending upon work schedules. The quantity of workers during each phase of the project will vary, but in general construction workers would be present in greater numbers during the finishing stages of the building when on-site parking within the parking garages is available.

Preliminary estimates indicate that a total of approximately 25,000 cubic yards of earth will be removed in conjunction with excavation for the proposed development. This amount of earthwork is estimated to generate approximately 1,250 outbound truck trips or a total of 2,500 round trip truck trips over the roughly 12-week time frame associated with the earthwork activity. Given the estimated construction schedule, the amount of traffic would equate to approximately 42 round trip truck trips per day depending upon the specific days of the week that excavation would occur. For purposes of the EIS Addendum analysis, it was assumed that all excavation for the site would occur at one time. While construction-related traffic may at times cause inconvenience to properties adjacent to the site, such impacts would be temporary. During the construction phase, large trucks would make trips to the site to deliver cranes, machinery, and other construction equipment; construction materials (e.g. steel, wood for forms/framing, and concrete); and other materials including prefabricated building components, sheet rock, and building machinery (e.g., HVAC, plumbing, electrical equipment, etc.). A concentration of concrete deliveries will occur early in the overall construction schedule in conjunction with construction of the parking levels. Concrete deliveries will decline somewhat in intensity relative to core and floor construction process. Structural steel deliveries will occur throughout the fabrication process.

Trucks would be accommodated via specific truck routes established as part of the Construction Transportation Management Plan (CTMP) described below. Except for short, intermittent periods, truck routes would be oriented to and from the south. Access to I-5 and I-90 would occur, where necessary, at the nearest interchange.

Capacity restrictions of surrounding streets and sidewalks would be minimized because the large size of the site would permit onsite staging and truck delivery, loading and unloading. However, during construction of the proposed development, there are likely to be some intermittent lane restrictions on South King Street and Occidental Ave. S. They would primarily occur during midday.

Construction will result in a decrease in the onsite parking supply available for general public parking and stadium events. Without mitigation, this could result in more traffic being diverted to surrounding areas as drivers search for parking both farther south of the stadium and toward the Central Business District (CBD) farther north. The reduction in parking availability could also decrease the threshold for events that have spillover parking impacts on the surrounding area, which means that a greater number of stadium events would have such adverse impacts during the construction period.

The site itself currently provides 491 parking stalls that are required by covenant for the use by the Qwest Field and Events Center. This parking is part of a private agreement and the elimination or provision of this parking during construction may be subject to this private agreement. It should be noted, however, that the provision of this parking cannot be required under SEPA authority, per SMC 25.05.675.M2.b(i), which states “No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones.”

The cumulative effects of several simultaneous construction projects may adversely affect some businesses and residents in the Pioneer Square and International District area, as well as the industrial area. The Seattle Department of Transportation (SDOT) will ensure that adequate access to adjacent businesses is retained to the greatest extent possible during construction, through enforcement of the street use regulations of the City. Close coordination with SDOT is essential to minimize construction traffic impacts to the greatest extent possible.

In order to mitigate for the adverse impacts of traffic during construction activities, the mitigation contained in the EIS Addendum, as well as mitigation per SMC 25.05.675.B.2.g shall become conditions of this project:

1. A Construction Traffic Management Plan (CTMP) for truck deliveries/routes and construction workers shall be prepared for review and approval by DPD to minimize disruption to traffic flow on adjacent streets and roadways. The proponent shall coordinate with SDOT to minimize impacts caused by construction vehicle traffic. This Plan shall consider and address each of the following:
 - a) Need for special signage, flaggers, route definitions, flow of vehicles and pedestrians during construction and street cleaning.
 - b) Identification of truck haul routes from the site to designated truck routes and major transportation connections to the south of the construction site.
 - 1) The truck haul routes must account for major infrastructure construction in the vicinity at the time hauling will be performed. This must include coordinating with detour plans for the Alaskan Way Viaduct project in consultation with SDOT. Hauling between 4:00 p.m. and 6:00 p.m. on weekdays shall be avoided.

- 2) Except by special permission from DPD when no other route is feasible, no hauling shall occur on Fourth Avenue S. north of S. Jackson Street; Second Avenue S. north of S. Jackson Street; S. Jackson Street west of Second Avenue S. or east of Fourth Avenue S; and Alaskan Way S. north of S. King Street.
 - 3) Access to the Qwest Field and Events Center shall remain open.
 - c) Coordination with and approved by SDOT and the Seattle Police Department (SPD) to ensure that the movement of construction materials to and from the site is done in a safe and efficient manner, and designed to minimize potential disruptions to background traffic and pedestrians, during both event and non-event periods.
 - d) Coordination with SDOT and the Seattle Police and Fire Departments during construction will minimize potential delays from traffic congestion
 - e) Ensure that truck hauling activities do not occur one hour prior to start time of major events held in the Qwest Field outdoor bowl and for one hour following the event end time.
 - f) Provide advance information to the Florentine Condominiums, the Public Stadium Authority and First and Goal on the scheduling of construction activities, sidewalk and lane restrictions, and other construction disruptions. This information may be incorporated into the quarterly newsletter required under the noise mitigation condition.
 - g) Schedule temporary lane or street closures during construction to minimize conflicts with major events and weekday PM peak hour traffic.
 - h) Eliminate sidewalk closures or restrictions by providing alternative pedestrian walkways of equivalent capacity around any intermittent or temporary sidewalk closures or restrictions.
2. For pedestrian safety, the entire construction site shall be enclosed with a cyclone fence.
 3. The proponent shall coordinate with Metro transit relative to construction activity that could affect transit service proximate to the project site.

Long-term Impacts

Several long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased vehicular emissions to the air; potential indirect impacts on surrounding land use; aesthetics, light, glare and shadows; and increased traffic in the area.

Air Quality

The number of vehicular trips associated with the project construction is expected to increase from the amount currently generated by the various sites and the projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may 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.

Land Use

The South Downtown area comprises a diverse mix of land uses including historic districts, two sport stadiums, residences, offices, major transit facilities, restaurants, retail, commercial and industrial uses. Under the Preferred Alternative in the South Downtown EIS, land use in the North Lot area of the Pioneer Square Historic District would be transformed by the introduction of residential and commercial development, and increases to building height, bulk and scale zoning. However, it was determined that such changes would not be a significant unavoidable adverse impact, because the “probable intensity and mix of uses would be compatible with the immediate environment.” Furthermore, the Land Use and Transportation Plan for Downtown Seattle, amended in 1995, contain Policy 43 calling for the City to undertake with King County a program to “integrate the North Kingdome area with its surroundings...” The 1992 Pioneer Square Neighborhood Plan identifies the subject site as a future location for housing or a mixed residential/commercial development. Also, adverse impacts potentially associated with new development in this historic neighborhood would be avoided by the provision of strong design oversight by the Pioneer Square Preservation Board, and through adherence to the Board’s *Design Guidelines for New Construction on the “North Lot”*, which were approved in May 2007.

The proposed development is be consistent with land use trends that are occurring and planned throughout the South Downtown area and, more specifically, proximate to the project site; therefore no significant adverse impacts are anticipated and no further conditioning is needed.

Aesthetics – Urban Design

The South Downtown EIS addressed the impacts of increasing height, bulk and scale in specific sections of South Downtown. The South Downtown EIS noted that accommodating taller residential buildings is desirable in areas bordering core Downtown neighborhoods. Under the Preferred Alternative, building height limits in the North Lot area would be increased to 240 feet, and more building bulk at higher levels would be permitted.

Due to the location of the proposed development within the Pioneer Square Historic District, a Certificate of Approval (C of A) is required to establish the proposed use and project design. The C of A must be approved before any City permit or license can be granted for the proposed project. An application for the North Lot development Certificate of Approval was filed with the Department of Neighborhoods, Pioneer Square Preservation Board on June 25, 2008.

The Pioneer Square Preservation Board has adopted site-specific design guidelines for North Lot -- *Design Guidelines for New Construction on the North Lot in Pioneer Square*. The guidelines are included in Appendix C of the EIS Addendum. These guidelines were developed to ensure that re-development of the North Lot is compatible with the character of the Pioneer Square Historic District. The guidelines establish goals and provide design direction with regard to new construction; architectural details; building signs; awnings canopies and lighting; rooftop and mechanical elements; land use; parking; streets and sidewalks; and public art.

The preliminary program and massing concepts for the proposed development have been reviewed with representatives of the Department of Planning and Development and program and massing concepts have been presented on multiple occasions to both the Pioneer Square Historic Preservation Board and the Board's Architectural Review Committee.

The two proposed building areas would be separated by a 90-foot open area that is aligned with 2nd Ave. S. The west-block would consist of a 4-story podium, with three residential towers located atop the podium. The three towers would vary in height from 6-stories to 23-stories, and the structures would house approximately 668 dwelling units. The east-block of the development would consist of a 16-story office tower atop a 5-story podium.

The proposed development would have building heights up to 240 ft., excluding rooftop mechanical equipment and screening/architectural features. The majority of the buildings surrounding the project site to the north and the west are mid-rise structures. Qwest Field, which the roof is 260 ft. and the arch is 279 ft., is located directly south of the project site. The 242-foot campanile of King Street Station is located northeast of the site. Most buildings north and east of the project site were constructed in the years immediately following the Seattle Fire of 1889. The distinctive block like massing of these buildings dominate the visual character of this area. There is a commonality of color and texture in that the majority of the structures are of red brick with visual elements consisting of stone, terra cotta, and iron. Qwest Field and the adjoining Event Center include elements of the surrounding structures, as well as modern design elements that more closely reflect the use of these two facilities.

The massing of the proposed development includes:

- A substantial variation in building heights and façade modulation in order to satisfy the site's design guidelines and better relate to historic buildings located proximate to the project site.
- The base of the west-block podium abuts the right-of-way of Occidental Ave. S. and set back from the S. King St. right-of-way varying amounts up to approximately 15ft. The base of the east-block podium would abut the S. King St. right-of-way.
- Exterior materials on the podiums will most likely consist of glass (vision and spandrel) and masonry (brick, precast concrete, terra cotta or stone).
- Exterior materials on the towers will consist of vision glass with spandrel glass or possibly metal panels or precast concrete, consistent with Pioneer Square design standards.
- A glass and steel canopy along the west, north and east facades of the building complex.
- At-grade parking levels facing south will be screened. Adjacent to Occidental Ave. S. and the Weller St. Bridge, at-grade parking levels would be screened by street-level retail uses. The remainder of the at-grade parking levels facing south will be screened by green screens and/or decorative architectural features.

Due to the previous and future reviews of the project by the Pioneer Square Preservation Board and the high level of architectural controls that are maintained by the Pioneer Square Preservation Board, no significant adverse impacts are anticipated; therefore no further conditioning is needed.

Aesthetics – Viewshed

The Livable South Downtown Plan EIS notes that there are possible impacts to the Kobe Terrace, Harborview Viewpoint and Jose Rizal Park/Pac-Med Building public viewpoints, views toward various landmarks, public places, skyline views and scenic routes as a result of the proposed increase in building height and density in South Downtown. The Livable South Downtown Plan EIS also notes that views would be altered in the sense that the number of buildings and arrangement of buildings that compose the South Downtown area would be different as buildings are developed under the Preferred Alternative. This type of change, for the most part, is not considered a significant impact.

The EIS Addendum includes photo simulations depicting the proposed building from relevant viewpoints and scenic routes. These visual simulations involved creating photomontages by superimposing a preliminary building-massing model onto an existing site image. While the proposed development would be visible from each of these locations, in most cases the proposed buildings blend into the existing South Downtown building massing that occurs adjacent to the project site.

The proposed development would not result in any significant impacts to designated view corridors, scenic views, City Landmarks, or scenic routes. Views of the Downtown skyline, the Space Needle, the Olympic Mountains, and Elliott Bay would still be possible from public viewpoints.

Light, Glare & Shadows

Section I of the EIS Addendum describes that while vehicle headlights, glazing and/or other specular surfaces on vehicles occasionally create glare, the principal source of glare associated with most development projects is sunlight reflected from specular surfaces on building facades. Factors influencing the amount of reflective solar glare that may occur include: weather (e.g., cloud cover); building height; width and orientation of the façade; percent of the façade that is glazed or composed of specular material; reflectivity of the glass or specular surfaces; design relationship between the glazed and non-glazed portions of the façade (e.g., glass inset from the sash, horizontal and vertical modulation); the color and texture of building materials that comprise the façade; and the proximity of other intervening structures or significant landscaping.

Principal sources of light that presently occur proximate to the project site include: streetlights along S. King St. and Occidental Ave. S.; light from headlights of vehicles operating on streets in the project vicinity; lighting from Qwest Field; parking lot operations including overhead lighting and vehicles operating in the lot; and building lighting (interior and exterior) in the immediate area of the site. Light standards associated with the streetlight fixtures in Pioneer Square are approximately 23-ft. tall and the lamps are three globe Chief Seattle bronze base fixtures.

The proposed development would result in an increased number of vehicles entering and exiting the project site, with the potential for localized increases in light and glare associated with vehicle headlights. One point of ingress and egress is proposed in conjunction with the parking garage in the West Block podium. This access would be from Occidental Ave. S. Headlights of vehicles departing this egress would be directed onto Occidental Ave. S. with no apparent light

or glare-related impacts anticipated. Also, one point of ingress and egress is proposed in conjunction with the parking garage in the East Block. This access would be from the private access drive separating the East Block and West Block. Headlights of vehicles departing this egress would be directed onto the access drive between the two blocks with no apparent light or glare-related impacts anticipated.

Based on the height of the proposed development relative to the heights of existing nearby buildings, the proposed project would be noticeable. As such, stationary sources of light (e.g. interior lighting, pedestrian-level lighting, illuminated signage) from the proposed development would be visible from locations proximate to the project site. Specific information relative to stationary building light fixtures, signage, façade materials (in terms of specular or reflective characteristics) and glazing shall be provided as part of the construction-level plans associated with the Building Permit process, which is also subject to review by the Pioneer Square Preservation Board. It is anticipated that project design associated with the building façade would not include a significant amount of highly reflective glazing or materials. At times during the construction period, required area lighting of the job site (safety requirements) would be provided, which would be noticeable within the immediate vicinity of the project site.

Because of the height of the proposed development and the building's proximity to public places, a shadow analysis has been prepared specifically for this project. Factors that influence the extent of shading include: weather (e.g., cloud cover); building height, width and facade orientation; and the proximity of other intervening structures, topographic variations and significant landscaping.

Seattle's SEPA policies (SMC 25.09.K) aim to "minimize or prevent light blockage and the creation of shadows on open spaces most used by the public." Policy background, however, indicates that due to the scale of development that is permitted Downtown, it is not practical to prevent shadow impacts at all public open spaces in Downtown. The "Land Use Code attempts to protect private property from undue shadow impacts through height, bulk and setback controls, but it is impractical to protect private properties from shadows through site-specific review." The policies identify specific Downtown public open spaces where mitigation of shadow impacts may be considered. Occidental Square often referred to as Occidental Park and Union Station Square are the nearest public parks to the proposed development.

The EIS Addendum includes an analysis of the proposed development in conjunction with vernal equinox (approx. March 21st), summer solstice (approx. June 21st), autumnal equinox (approx. Sept. 21st), and winter solstice (approx. December 21st). The figures and accompanying text below describe possible shadow impacts resulting from the *Proposed Action* within the context of shading that presently occurs from existing buildings that are within several blocks of the project site. As noted previously, City SEPA policies address shadow impacts relative to key Downtown parks, with consideration given to the effect "at times when the public most frequently uses that space."

While neither Occidental Square nor Union Station Square are designated open spaces in which mitigation of shadow impacts may be considered, the analysis concludes that shadow impacts for various times of the day on each of these key days of the solar year are not expected to affect either of these open spaces. The anticipated shadow impacts are typical of Downtown development. No conditioning is warranted.

Transportation - Traffic and Parking

Detailed traffic analyses were prepared as part of the Livable South Downtown EIS. General parking analysis was also included in the EIS. That document evaluated a range of development densities and areas of concentration for the South Downtown area of Seattle. The preferred alternative in the Livable South Downtown EIS evaluated the impacts of up to 175,000 square feet of office space, 25,000 square feet of retail use, 640 dwelling units and an unknown amount of parking for the North Lot property. Other alternatives considered the impacts of 956 residential units. This prior EIS determined that several intersections in the project area would operate at LOS F conditions in the future with the project.

A comprehensive transportation and parking impact analysis (TIA) has been prepared for the proposed development and is included in Appendix F of the EIS Addendum (*Transportation Technical Report for the North Lot Development*, Heffron Transportation, Inc., September 2009). The Transportation Technical Report documents the project impact to 16 intersections in the AM peak hour and 18 during the PM peak hour in the vicinity of the site, using data from the Livable South Downtown EIS Synchro traffic model and the Seattle Department of Transportation's Signal Update model.

The Livable South Downtown EIS did not include detailed trip generation estimates for individual sites in the South Downtown area. Therefore, to provide a comparison, trip generation for the Livable South Downtown EIS's preferred alternative on the North Lot site was determined using the same methodology. The primary difference between the North Lot proposal and the EIS's Preferred Alternative is the amount of office space. Therefore, the proposal would generate more commuter trips into the site in the morning and more leaving the site in the afternoon.

New traffic operations analysis performed for the North Lot Development determined that the level of service in the site vicinity would be the same or better than reported in the prior EIS's. The new analysis included seven intersections that were not included in the Livable South Downtown EIS. Two of these intersections (6th Avenue/James Street and 6th Avenue/Yesler Way) would operate at LOS F. The intersection at 6th Avenue/James Street was previously shown to operate at LOS F in the Seattle Municipal Civic Center Master Plan EIS with a much higher delay than new future forecasts reveal. The 6th Avenue/Yesler Way intersection had not been evaluated in earlier environmental reviews in downtown Seattle. As proposed in the EIS Addendum, the project shall pay a pro rata share toward installation of a signal at 6th Avenue/Yesler Way, if SDOT determines a signal should be installed.

The proposed project would provide approximately 900 parking spaces, with 500 in the East Block and 400 in the West Block. A portion of these would replace the 491 parking spaces that now exist on the site's portion of the North Lot, and would be available for use during Qwest Field and Exhibition Center events. In addition, the project would provide 21 on-street parking along the reconstructed Second Avenue Access Road. It is recommended that the on-street spaces be controlled using meters, similar to on-street parking along the area's public streets. These meters, however, would be privately owned and operated. These spaces would be restricted during times when more traffic capacity is needed, such as before and after large events. Parking demand was analyzed to determine the peak demand expected to be generated by the proposed project.

For residential uses, the 400 parking spaces on the West Block would relate to a ratio of 0.60 parking spaces per unit. A review of vehicle ownership data from the Census 2000 Journey-to-Work Characteristics (PSRC) shows a range of 0.5 to 0.6 vehicles owned per unit. The office component would generate a peak parking demand of about 340 vehicles. This demand would be accommodated by the proposed parking garage on the East Block, while retaining about 160 spaces for public use. The retail uses on the site would primarily serve a local market within walking distance of the site. The few customers who drive to the stores are expected to park on-street. New on-street parking would be provided along the Second Avenue Access Road and would be available during non-event times. The East block garage would be open to the public and could accommodate retail users.

The south portion of the North Lot would remain a surface parking lot. It currently has 679 parking spaces. Vehicles that now park on the 491 spaces of the subject site may be displaced by the project. Existing daytime parking for the existing North Lot now peaks at about 745 vehicles. This peak occurs over the lunch hour, and would be accommodated by the remaining surface parking lot as well as within the East Block garage. Therefore, the project's parking supply would accommodate this demand.

All other transportation elements evaluated in the Livable South Downtown EIS and *Seattle Municipal Civic Center Master Plan* EIS would have similar or lower impacts with the new proposal. The proposed project would substantially improve pedestrian facilities adjacent to and through the site, with a new private street through the project on the Second Avenue Access Road that would have 24-foot sidewalks on both sides. These wide sidewalks would improve pedestrian flows before and after events at Qwest Field.

The Third Avenue Access Road on the east side of the site would be improved to appear as a pedestrian plaza to provide access between the King Street Station and Weller Street Pedestrian Bridge. Traffic on this street would be limited to truck movements to the proposed development loading dock, and trucks and buses from Qwest Field and the Events Center. The frontages on S King Street and Occidental Avenue S would also be improved. The buildings on Occidental Avenue S would be set back nine feet from the property line to widen the sidewalk at the south-end of the site to 21 feet. Bicycle parking would be provided in both the East and West Blocks. The residential towers on the West Block would have 185 bicycle spaces in Level A of the West Garage. The office tower would have 76 bicycle spaces on Level A of the East Garage.

The North Lot Development team has worked with First & Goal, Inc. and the Public Stadium Authority (PSA) to address access, parking, and staging for events at Qwest Field and Events Center once the proposed development is constructed. Many physical and operational features have been incorporated into the project and these are described in the *Transportation Technical Report* (Appendix F). Some key features of the project include maintaining truck egress on the Second and Third Avenue Access Roads; designing the Second Avenue Access Road with four lanes to allow for event entry and egress; limiting access on the Third Avenue Access Road to trucks and buses; locating residential garage access on Occidental Avenue S to avoid conflicts with event flows to the East Block garage and surface parking lot; and designing reversible entry and exit lanes into the East Block garage that can accommodate event flows.

The Seattle SEPA Policy for Traffic and Transportation (SMC 25.50.675.R) provides that mitigation of traffic and transportation impacts of a project may be imposed whether or not the project meets the criteria of the Overview Policy (SMC 25.50.665). As discussed above, the following mitigation shall be required.

1. The proposed project shall implement a Transportation Management Plan (TMP) to reduce commute trips associated with the office use on the site. The TMP would be enacted consistent with the City of Seattle's Director's Rule (DPD Director's Rule 19-2008). The goal for this TMP will be set to reduce the single-occupant vehicle trips to 26% of all trips. This SOV rate has been achieved by other businesses in and near downtown Seattle and was the basis of the traffic analysis performed for this report.
2. The 21 on-street parking spaces reconstructed along the Second Avenue Access shall be controlled using meters, similar to on-street parking along the area's public streets. These meters, however, will be privately owned and operated. These spaces shall be restricted during times when more traffic capacity is needed, such as before and after large events.
3. The project shall pay a pro rata share toward installation of a signal at 6th Avenue/Yesler Way, if SDOT determines a signal should be installed.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

Prior to Issuance of Master Use Permit:

Zoning

1. Execute and record a declaration signed by the applicant and any other owners of the lot, on a form approved by the zoning reviewer (Lori Swallow), specifying the amount of bonus floor area and any conditions required.

Cultural Resources

2. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

<i>Prior to Issuance of Building Permit</i>

Environmental Health

3. A copy of any voluntary cleanup plans submitted to and/or approved by the Department of Ecology, including any provisions for ongoing monitoring and associated operation and maintenance should be submitted to DPD. A copy of any partial or final No Further Action Letters issued by the Department of Ecology shall be submitted to DPD.

Noise

4. Prepare a Construction Management Plan for review and approval by DPD prior to Building Permit Issuance. The Construction Management Plan shall include the following conditions regarding piling, hours of operation and noise. DPD reserves the right to modify these conditions based on phasing parameters.
 - (a) Auger cast piles shall be used wherever soil and substrate conditions allow. If determined to be infeasible and after consideration of all environmental factors including but not limited to, volume of contaminated soil removal, archeological considerations, underground obstructions, noise impacts and seismic and structural engineering considerations it is determined that driven grout or driven steel piles shall be used, then impact hammer noise reduction measures shall be employed, as necessary, to meet noise code requirements to reduce grout-driven impact noise or noise shielding system to reduce driven steel pile noise, especially along Occidental near the Florentine. The EIS Addendum (page 62) outlines the following mitigation measures for driven piles:

Potential impact hammer noise reduction measures include the following; some or all of these techniques could be employed to the extent practicable.

- Insert a wooden or plastic dolly between the pile head and the hammer.
- Apply a damping compound to steel piles to reduce the vibration/ringing.
- Shroud the lower part of the hammer; this is not generally considered very effective.
- Silence exhausts gas pulsations from the engines of diesel-powered hammers.
- Remove any unnecessary hanging chains; fix any loose bolts, panels, or over-slack leader guides.

- Use a cushioned method in conjunction with a "heavy hammer-short drop" practice. This requires using interference fit guides to prevent kicking, rolling and vibration in the pile. While the overall sound level is not substantially reduced, the nature of the sound may be less annoying to people.
 - Regular equipment service and maintenance.
 - Another potential mitigation for impact drivers would be to use a Hoesch Noise Abatement Tower. This device encloses the hammer and driven pile. It was designed to provide the maximum sound level reduction with minimum possible weight. The composite panel is comprised of a "sandwiched" layer of 2 mm steel, 0.4 mm plastic, and 1.5 mm steel. A polyurethane layer 150 mm thick is foamed on the inner walls of the panels. This enclosure can reduce impact pile driving noise by up to 20 dBA.
- (b) Construction activities shall be limited to daytime hours between 7 a.m. and 6 p.m. on weekdays and 9 a.m. and 6 p.m. on weekends and shall include all noisy startup and preparatory activities. In addition, the levels of impulsive sound and/or noise generated by impact types of construction equipment should be mitigated by use of best available technology such as, but not limited to concrete crushing and pile driving.
- (c) Use of either broad-band or ambient-sensing vehicle back-up alarms to reduce the noise perceived at off-site locations and, therefore, reduce possible annoyance.
- (d) In order to reduce the generation of on-site construction noise and the transmission of such noise to off-site locations, construction contracts for the proposed development should specify the following requirements:
- 1) All equipment and especially mufflers are to be maintained in good working order;
 - 2) Engine enclosures be used on non-portable equipment when the engine is the dominant source of noise;
 - 3) Stationary equipment should be placed as far away from sensitive receiving locations as possible - where this is infeasible, or where noise impacts may still be potentially significant, portable noise barriers shall be placed around the equipment with the opening directed away from the sensitive receiving locations;
 - 4) To the extent feasible, substitute hydraulic or electric models for impact tools such as jack hammers, rock drills and pavement breakers to reduce construction and demolition noise; and
 - 5) Where feasible, equipment operations lift rather than drag to minimize material handling noise.
- (e) Implementation of a noise monitoring system to ensure that construction activities are within the limits of the noise ordinance.

- (f) Provide communication to all neighbors within a one block radius of the project, alerting residents and businesses in the vicinity as well as the Public Stadium Authority, First & Goal, Seattle Mariners, Ballpark Public Facilities District, and the Seattle Parking and Access Review Committee (PARC) of street closures, noise disruptions, utility or other service interruptions, and other construction-related impacts. On going communication shall be in the form of a website or mailed newsletter with periodic construction newsletter (at least quarterly) explaining the project schedule, by showing expected dates for specific operations, especially those that would interrupt or slow traffic movement, or result in interruption to service or altered pedestrian routes, or be especially noisy. The newsletter shall also contain the applicant's email address and contact number for public comment and feedback regarding neighborhood concerns about ongoing and upcoming construction operations. The applicant shall adjust construction programming as feasible to minimize impacts on nearby businesses and transportation operations, including impacts on stadium events and/or significant pre-event setup/tear-down activities. Periodic verbal communication with nearby residents and businesses shall also occur to ensure that messages about short-term construction operations are received by the most affected parties. See also Condition #13.
- (g) Outline the implementation of a noise complaint resolution procedure.
- (h) The levels of impulsive sound and/or noise generated by impact types of construction equipment should be mitigated by use of best available technology, such as sound screening from neighboring receptor or use of hydraulic pile drivers, to the greatest extent reasonably possible.
- (i) The driving of piles shall not occur one hour prior to start time of major events held in the Qwest Field outdoor bowl, during the event and for one hour following the event end time.
- (j) Activities which will not generate sound audible at the property line such as work within enclosed areas or office work, or which generate very low levels of sound, such as security, are not subject to a limitation of allowed time periods.
- (k) The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, DPD 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 DPD on a case-by-case basis prior to it taking place.
- (l) Whenever appropriate, substitute hydraulic impact tools with electric models to further reduce demolition and construction related noise and vibration.

- (m) Provide properly sized and maintained mufflers, engine intake silencers, and where necessary engine enclosures on operating equipment.
- (n) Turn-off idling equipment.
- (o) As necessary, to meet Seattle's noise ordinance, deploy portable sound barriers around generators and compressors.
- (p) As needed, to meet Seattle's noise ordinance, construct temporary barriers at least as dense as one-half inch thick plywood with sound dampening insulation.
- (q) Where possible, to meet Seattle's noise ordinance, locate the concrete pumping station and associated trucks to minimize impacts to residents in nearby buildings and other sensitive land use proximate to the project site.
- (r) Pre-fabricate large duct risers and long interior runs and hoist them into place.
- (s) Screen the building perimeter during steel fireproofing activities.

Historic Preservation

5. The introduction of new construction at the project site within the Pioneer Square Preservation District shall require review and approval by the PSPB, according to the process established by City ordinance (SMC 25.28) utilizing the established design review process, adopted design guidelines and appeal process. To ensure that the project adequately addresses the impacts of Height, Bulk and Scale on the adjacent neighborhood, additional meetings before the Pioneer Square Preservation Board are required that highlight specific design solutions concerning the overall quality of materials and use of detailing at both the street level and upper portions of the façade, to ensure compatibility with surrounding buildings. Further, additional information concerning the proposed massing, roofline and use of materials in relation to the adjacent Landmark should also be considered. These conditions may be fulfilled through the Certificate of Approval process required for new construction by the Department of Neighborhoods and the Pioneer Square Preservation Board.
6. A Certificate of Approval for Use and Preliminary Design from the Pioneer Square Preservation Board/Department of Neighborhoods Director must be obtained.

Cultural Resources

7. Interpretive projects such as signage, brochures, lectures, and publications that provide public awareness of the project's history should be incorporated into the proposed development.

8. To ensure that discoveries made during construction are adequately addressed, the applicant should retain a qualified cultural resource specialist to work with the applicant in preparing a Cultural Resources Management Plan (CRMP) in consultation with the State Office of Archeology and Historic Preservation (OAHP), the Seattle Office of Urban Conservation, and local Native American tribes. The CRMP will assess the probability of archaeologically significant resources in the project area as well as identify procedures to be followed during construction to identify the presence or absence of potentially significant archeological resources on the site during construction, and establish procedures to follow if probable archaeologically significant resources are encountered.

The CRMP should include the following:

- (a) If the project excavates for below surface parking, and because of the potential for pre-contact deposits to be located in the northwest corner of the proposed project site, and the lack of sufficient data to determine the level of probability for encountering them during project construction, then 3-6 rotary continuous bores should be placed in the northwest portion of the project. Additional data will help to clarify the nature of the deposits in that area and to determine if archaeological monitoring should be carried out during project construction;
- (b) A subsurface survey of areas where there is a reasonable likelihood of encountering potentially significant archeological resources during construction, to be conducted when these areas are subject to required geotechnical investigations, excavations associated with installation of utilities, or the environmental assessment for hazardous materials;
- (c) An appropriate testing program to evaluate the significance of archeological resources encountered in the subsurface survey;
- (d) A range of feasible mitigation measures that is appropriate to the importance and accessibility of the resources and consistent with applicable federal, state, and local regulations. Such measures could include design adjustments to avoid and protect resources, recovery of the resource data potential, and public interpretation of the resources. The CRMP should also provide procedures for evaluating and treating unanticipated archeological resources that might be discovered during construction; and
- (e) Information regarding what measures should be taken upon finding archeological deposits (see Cultural Resources Condition #30 – During Construction).

Traffic & Parking

9. A Construction Traffic Management Plan (CTMP) for truck deliveries/routes and construction workers shall be prepared for review and approval by DPD to minimize disruption to traffic flow on adjacent streets and roadways. The proponent shall coordinate with SDOT to minimize impacts caused by construction vehicle traffic. This Plan shall consider and address each of the following:
 - a) Need for special signage, flaggers, route definitions, flow of vehicles and pedestrians during construction and street cleaning.

- b) Hauling between 4:00 p.m. and 6:00 p.m. on weekdays shall be avoided.
 - c) Access to the Qwest Field and Events Center shall remain open.
 - d) Identification of truck haul routes from the site to designated truck routes and major transportation connections to the south of the construction site.
 - 1) The truck haul routes must account for major infrastructure construction in the vicinity at the time hauling will be performed. This must include coordinating with detour plans for the Alaskan Way Viaduct project in consultation with SDOT.
 - 2) Except by special permission from DPD when no other route is feasible, no hauling shall occur on Fourth Avenue S. north of S. Jackson Street; Second Avenue S. north of S. Jackson Street; S. Jackson Street west of Second Avenue S. or east of Fourth Avenue S; and Alaskan Way S. north of S. King Street.
 - e) Coordination with and approved by SDOT and the Seattle Police Department (SPD) to ensure that the movement of construction materials to and from the site is done in a safe and efficient manner, and designed to minimize potential disruptions to background traffic and pedestrians, during both event and non-event periods.
 - f) Coordination with SDOT and the Seattle Police and Fire Departments during construction to minimize potential delays from traffic congestion.
 - g) Ensure that truck hauling activities do not occur one hour prior to start time of major events in the Qwest field outdoor bowl and for one hour following the event end time.
 - h) Provide advance information to the Florentine Condominiums, the Public Stadium Authority and First and Goal on the scheduling of construction activities, sidewalk and lane restrictions, showing expected dates for specific operations, especially those which would interrupt or slow traffic movement, interruption to service, altered pedestrian routes or be especially noisy and explain the project schedule. This information may be incorporated into the quarterly newsletter required under the noise mitigation condition #4f.
 - i) Schedule temporary lane or street closures during construction to minimize conflicts with major events and weekday PM peak hour traffic.
 - j) Eliminate sidewalk closures or restrictions by providing alternative pedestrian walkways of equivalent capacity around any intermittent or temporary sidewalk closures or restrictions.
10. For pedestrian safety, the entire construction site shall be enclosed with a cyclone fence.
11. The proponent shall coordinate with Metro transit relative to construction activity that could affect transit service proximate to the project site.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from both street rights-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

Construction

12. Adhere to the Community Communication Plan.

Noise

13. Adhere to the Construction Management Plan.

Environmental Health

14. Adhere to the Clean-up Action Plan.

Traffic & Parking

15. Adhere to the Construction Traffic Management Plan.

Air Quality

16. Site development shall adhere to Puget Sound Clean Air Agency's regulations and the City's construction best practices regarding demolition activity and fugitive dust emission, including the following.
- a) As necessary during demolition, excavation, and construction, sprinkle water on debris and exposed areas to control dust.
 - b) As necessary, cover or wet transported earth material.
 - c) Provide quarry spall areas on-site prior to construction vehicles exiting the site.
 - d) Wash truck tires and undercarriages prior to trucks traveling on City streets.
 - e) Promptly sweep earth tracked or spilled onto City streets.
 - f) Monitor truck loads and routes to minimize dust-related impacts.
 - g) Use well-maintained construction equipment and vehicles to reduce emissions from such equipment and construction-related trucks.
 - h) Avoid prolonged periods of vehicle idling.
 - i) Schedule the delivery and removal of construction materials and heavy equipment to minimize congestion during peak travel times associated with adjacent streets.

Light & Glare

17. Construction-related lighting shall be shielded and directed away from adjacent land uses.

Historic Preservation

18. To avoid structural damage that could occur due to construction-related vibrations and/or earthwork. All excavation, earthwork and pile driving should be monitored in order to prevent and/or immediately address any such impacts to nearby or adjacent historic properties.
19. In order to avoid or limit the introduction of atmospheric elements that could alter and/or potentially damage historic building fabric or architectural features, all construction activities should be monitored by the contractor in order to prevent and address any such impacts to adjacent or nearby historic properties.

Cultural Resources

20. Adhere to the Cultural Resources Management Plan.
21. If a probable archaeologically significant resource is discovered during construction, the procedures for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation shall be adhered to pursuant to DPD Director's Rule 2-98 shall be followed as outlined below, in addition to the following actions:
 - (a) Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - (b) Abide by all regulations 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, or their successors.
 - (c) If human remains are encountered, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area would be stopped and the area surrounding the discovery secured. The King County Sheriff, the King County Coroner, the Office of Archaeology and Historic Preservation (OAHP), and the DPD Land Use Planner that is assigned to this project would be notified at once. If the remains are Native American, the Suquamish Tribe, the Muckleshoot Tribe, the Tulalip Tribes, the Snoqualmie Tribe, the Duwamish Tribe, and the Yakama Nation should immediately be contacted. A treatment plan would then be developed by these parties. Construction excavation would not resume until authorized by OAHP.
 - (d) Construction activity would be redirected away from the area of discovery for up to 24 hours so as not to cause further impacts.
 - (e) The cultural resources specialist would take actions to evaluate the discovery and, within 12 hours, provide guidance to the applicant on specific actions for management and treatment of the resource.

After consultation with these parties, the City may take one of the following actions:

- (a) Extension of the 24-hour redirection of construction to allow for additional consultation with OAHP and other coordinating parties and provide for further discussion concerning resource significance;
- (b) If a mitigation plan is prepared for implementation with regard to discovered artifacts, a copy shall be sent to the assigned Use Planner and OHAP;
- (c) Any State permits for excavation of archaeological resources will be obtained.
- (d) Extension of the 24-hour period to allow for data recovery or implementation of alternative mitigation procedures.
- (e) Resumption of construction in accordance with permits from the State Office of Archaeology and Historic Preservation, as necessary.

For the Life of the Project

- 22. The proposed project shall implement a Transportation Management Plan (TMP) to reduce commute trips associated with the office use on the site. The TMP would be enacted consistent with the City of Seattle's Director's Rule (DPD Director's Rule 19-2008). The goal for this TMP will be set to reduce the single-occupant vehicle trips to 26% of all trips. This SOV rate has been achieved by other businesses in and near downtown Seattle and was the basis of the traffic analysis performed for this report.
- 23. The 21 on-street parking spaces reconstructed along the Second Avenue Access shall be controlled using meters, similar to on-street parking along the area's public streets. These meters, however, will be privately owned and operated. These spaces shall be restricted during times when more traffic capacity is needed, such as before and after large events.
- 24. The project shall pay a pro rata share toward installation of a signal at 6th Avenue/Yesler Way, if SDOT determines a signal should be installed.

Code Requirement

- 25. Per the Noise Ordinance, pile driving activities shall be restricted to between the hours of 8 a.m. and 5 p.m. during weekdays and between 9 a.m. and 5 p.m. on weekends and holidays. Normal construction activities and auger piling shall be restricted between the hours of 7 a.m. and 10 p.m. on weekdays and between 9 a.m. and 10 p.m. on weekends and holidays.

Signature: (signature on file)
Lisa Rutzick, Land Use Planner
Land Use Division

Date: February 4, 2010