



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

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

**Application Numbers:** 3009999  
**Applicant Name:** Joy Jacobson, Seattle University  
**Address of Proposal:** 1215 East Columbia Street (Seaport Building)

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a change of use from warehouse to institutional use (Seattle University Major Institution, Seaport Building Project includes 17,006 sq. ft. of renovations and a 3,361 sq. ft. 2nd floor addition to the existing structure. The request also requires the approval of a Minor Amendment to a Major Institution Master Plan, as required under SMC 23.69.035.

The following approvals are required:

**Request for a Minor Amendment – SMC 23.69.035**

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

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

[X] DNS with conditions\*

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

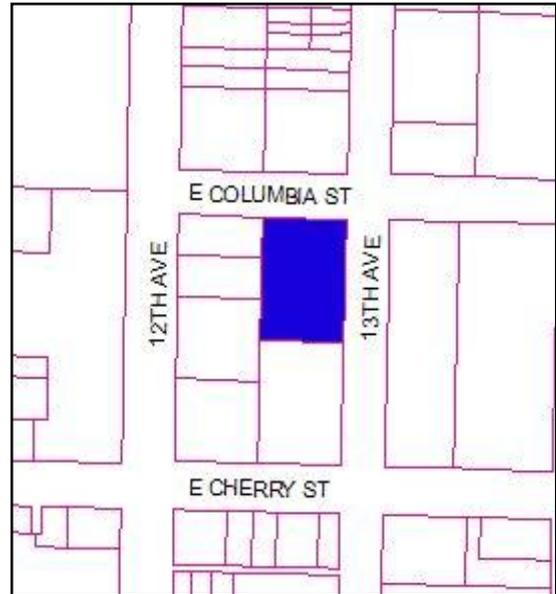
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\* Notice of Optional DNS was published on April 16, 2009.

## **BACKGROUND**

### Site and Vicinity

The project is located in the interior of the Seattle University campus and is at the corner of East Columbia Street to the north and 13<sup>th</sup> Avenue to the east. The site is also located within the boundaries of the Seattle University Major Institution Overlay (MIO) zone. The MIO for Seattle University covers an area between East Madison to the north, Broadway to the west, East Jefferson to the South, and a variable east boundary line between 12<sup>th</sup> and 15<sup>th</sup> Avenues. The development site is currently developed with the existing single story Seaport Building. Surrounding properties are marked by institutional uses associated with Seattle University, including sports fields, academic and student housing, and a sports facility. Other uses in the immediate neighborhood include both mixed use structures and single purpose residential uses as well as market rate commercial structures.



The development site is zoned with both the MIO overlay and the underlying zoning. The MIO overlay with a 50 foot height limit is related to the underlying Lowrise (L3) zone. Only uses associated with this Institution are eligible for the designated MIO height limits. Non-Institution related uses developing on this site would be bound to the underlying height limits of the respective zones.

### Proposal

The proposed development proposes a change of use from warehouse to institutional use (Seattle University Major Institution, Seaport Building). The project includes 17,006 sq. ft. of renovations and a 3,361 sq. ft. 2nd floor addition to the existing structure.

### Public Comment

The SEPA public comment period for this proposed application ended on April 29, 2009. No comments were submitted.

## **ANALYSIS - AMENDMENT TO MASTER PLAN**

The proposal for this project requires a determination by the Director on compliance with SMC 23.69.035, changes to master plan. Specifically, this code section requires “*a proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.*”

Seattle University adopted a Major Institution Master Plan (MIMP) in September, 1997. The plan outlines the development program for the University, establishes development standards for new buildings and provides for a transportation management program to reduce the number of single occupancy trips to the school and surrounding areas.

### Underlying Development Approved in MIMP

As part of the overall development program for the University, the 1997 MIMP does not specify an addition to the Seaport Building. In fact, the MIMP describes the demolition of the existing structure. While the proposed application to build a 3,361 sq. ft. addition to the building will not exceed the total amount of allowed square feet for campus development anticipated in the MIMP, the addition and retention of the building was not contemplated in the MIMP and as such requires a determination as to the nature of the change, detailed above and if the change is subject to an amendment, as required in SMC 23.69.035. A formal request was made to the Director by Seattle University on June 3, 2009.

### Review Process

As part of the Amendment process, SMC 23.69.035C and rules governing Notices of Interpretation under SMC 23.88.020D requires that the Citizen's Advisory Committee, or CAC, receive both notice of the request and, subsequently, make a recommendation on the type of Amendment as either an Exempt, Minor or Major Amendment. The Advisory Committee is also given an opportunity to recommend what conditions (if any) should be imposed if the recommendation is that the project is a Minor Amendment. The Director then determines whether the amendment is minor or major according to subsections D and E of this section. Seattle University made a request on June 3, 2009 to find that the development proposal that is the subject of this review is interpreted as a minor amendment. The following analysis is a review of the criteria for both Exempt Changes and Minor Amendments, as reflected in SMC 23.69.035.

### Exempt Changes

- 1. Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or*
- 2. Twenty (20) or fewer parking spaces not approved in the master plan; or*
- 3. An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or*
- 4. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or*
- 5. Any increase in gross floor area below grade.*

As indicated in the applicant's request for an interpretation, also reflected in the plans for the project, the MIMP did not anticipate a new addition to the existing building. The proposed addition and change of use is 20,367 square feet, thus exceeding the 12,000 square feet of gross floor area maximum allowed for an exempt change. Furthermore, several waivers from the development standards are requested as part of the proposal.

Minor Amendments

1. *The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or*
2. *The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or*
3. *The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:*
  - a. *Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and*
  - b. *Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and*
  - c. *Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and*
  - d. *Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.*

The proposed renovation and expansion is consistent with the original intent of the MIMP in that the addition would provide adequate facilities to support the changing needs of the students and support the institution's mission. The proposed changes are intended to allow for spillover space for existing law school functions. The proposed amendment will not result in a significant greater impacts than those contemplated in the MIMP because the project will support already existing programs that are crowding into other facilities. The amendment will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. While the MIMP did not include an analysis an addition to the existing building on this development site, the proposal appears to be consistent with the goals forwarded in the Master Plan for future development.

The proposal to construct the referenced development includes the renovation of a one-story 17,006 sq. ft. building and a 3,361 sq. ft. addition to the existing Seaport Building. At its maximum, the building will extend up to 27 feet, nine inches in height. The proposed amendment includes four waivers from the development standards of the Master Plan.

1. **Demolition:** The building will not be demolished as identified in the 1997 MIMP (pages 20, 22, 27 & 29).
2. **Setbacks:** A ten foot setback is required along the north and east sides of the property and a five foot setback are required along the west side (pages 60 & 61). The existing structure has zero setbacks on all sides and will remain unchanged with the proposed renovation. The second story addition is subject to the setback standards. The proposed design would require a waiver to encroach into the ten foot setback along the north side and for a 50 foot segment of the east side.
3. **Modulation:** Modulation is required for facades longer than 75 feet facing public streets, for 20% of the faced length (page 63). The existing structure is legally nonconforming with regard to the modulation standard. The proposed second story addition, however, is subject to the requirement. The proposed design would require a waiver to the modulation requirement for the second story addition.
4. **Building Setback in L3 Zone:** The L3 zone requires a setback along the west parapet wall. The proposed second story addition requires a waiver from this standard to allow the continuation of this façade within the setback area.

#### CAC recommendation

The Citizen's Advisory Committee (CAC) received information about changes at the site at their June 24, 2009 meeting. The presentation included an overview of the project by the architects for the project, as well as the request for a minor amendment, were also brought to the CAC. At the meeting, the CAC passed a resolution in support of the request for the proposed renovation, addition and associated waivers (listed above) to be determined to be a Minor Amendment, if it is determined that the proposal is not an exempt action under SMC 23.69.035.

#### Conclusions

Based upon a review of the proposal, the criteria under SMC 23.69.035, the review and comment by the CAC and staff review of the proposal, the request for a Minor Amendment to allow the proposed Seaport Addition is hereby **APPROVED as a MINOR AMENDMENT.**

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

This analysis relies on the Final Environmental Impact Statement for the Seattle University Major Institution Master Plan, published October 17, 1996 and the SEPA checklist for the project dated March 15, 2009, as well as other technical environmental reports, comments and responses submitted with respect to those documents. This decision also makes reference to and incorporates the project plans submitted with the project.

The Seattle SEPA Ordinance provides authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to the proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. 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, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA not be necessary.

The original MIMP required the development of an EIS to evaluate the impacts of that Plan. The FEIS considered the following environmental impacts: Air Quality, Energy, Environmental Health, Land Use, Population and Housing, Height, Bulk and Scale, Light/Glare and Shadows, Historic and Cultural Preservation, Transportation and Parking, Public Services and Utilities as well as short-term related Construction Impacts. Since the FEIS did not considered impacts of a building at this location, a SEPA checklist with supporting documentation was required.

The information provided by the applicant and its consultants, the public comments received, and the experience of the lead agency with the review of similar proposals form the basis for review and conditioning of the proposal. The potential environmental impacts disclosed by the Draft and Final EIS are discussed below. Where appropriate, mitigation may be required pursuant to Seattle's SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 15, 2009 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. No excavation or grading activity is anticipated. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

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

The indirect impact of 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 potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

### Noise

Noise impacts will result during the renovation activities associated with this project. As these interior renovations proceed, noise associated with construction could adversely affect the surrounding uses. In the immediate area are several commercial and residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), mitigation is warranted.

1. The hours of construction activity shall be limited. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the City. Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g. planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon the owner(s) and or responsible party(s) providing at least three working days' notice to allow DPD to evaluate the request.

### Transportation: Truck & Equipment

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to

generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

2. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Construction Parking

Construction of the project is proposed to last for several months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a Construction Phase Transportation Plan. The plan shall include the dedication of a site within 800 feet that shows the location of all parking for construction workers and for related construction equipment. All construction parking for workers and for construction related equipment shall have appropriate and reasonable screening as part of the plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance as well as in Conditions 2 and 3 of the 1997 Final MIMP.

These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675.B of the Seattle SEPA ordinance.

### Long-term Impacts

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

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control, the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts that are not considered significant.

### Air Quality

Seattle's air quality is adversely affected primarily by vehicular emissions, and the proposed project is expected to have a minimal impact on air quality, relative to the existing and projected background traffic especially since the anticipated use of the building is intended for academic purposes specific to the student population. The University students overwhelmingly utilize campus functions on foot during the day; the integration of the subject building into campus functions is extremely unlikely to affect existing levels of vehicular activity around the campus. Current federal and state regulations are likely to provide adequate mitigation for impacts on air quality through restrictions on vehicular emissions. No further mitigation pursuant to SEPA authority at SMC Section 25.05.675.A is warranted.

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.

### Historic Preservation

A referral was sent by DPD to the Department of Neighborhoods Urban Conservation Director on May 13, 2009 regarding the historic significance of the existing structure. A memo dated May 28, 2009, confirmed the determination that the existing building was unlikely to meet the standards as an individual landmark.

Transportation

The renovation and expansion of the Seaport Building is intended to serve the existing Law School functions and will not change existing University faculty, staff or student population counts and is therefore, unlikely to add additional trips to the subject site. The current and expected users of the Seaport Building would be persons already on campus to study or work. It is anticipated that use pattern would continue with the expanded building. It is assumed that any transportation impacts will be addressed and managed under the 1997 MIMP and Transportation Management Plan. Therefore, no further mitigation pursuant to SEPA authority at SMC Section 25.05.675.R for long-term traffic impacts is warranted.

Parking

The subject site does not contain any parking, however, the parking requirements are based on campus wide calculations. The campus currently contains parking for 1,550 vehicles with a minimum of 1,204 spaces and a maximum of 1,625 spaces. The MIMP and associated EIS discussed parking requirements and impacts for the entire campus. The overall campus parking quantity does not exceed the campus maximum parking requirements, yet remains above the minimum parking requirements. The Transportation Management Program includes strategies and actions intended to reduce parking and traffic demand associated with growth at the University (Pages 65-85 of the MIMP). Therefore, no mitigation pursuant to SEPA authority at SMC Sections 25.05.675.M for long-term parking impacts is warranted.

**DECISION – SEPA**

The application is **APPROVED, with conditions** as referenced below.

**MINOR AMENDMENT – CONDITIONS**

None.

**SEPA - CONDITIONS**

Prior to Issuance of any Construction or Grading Permits

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

1. Prepare Construction Phase Transportation Plan to be reviewed and approved by the Land Use Planner. The plan shall include the dedication of a site within 800 feet that shows the location of all parking for construction workers and for related construction equipment, as well as the location of ingress/egress for construction equipment and trucks. All construction parking for workers and for construction related equipment shall have appropriate and reasonable screening as part of the plan. These conditions will be posted at the construction site for the duration of construction activity.

During Construction

The following condition(s) are to be enforced during construction and will be posted in a location on the property line that is visible and accessible to the public and construction personnel from the street right-of-way. If more than one street abuts the site, conditions will be posted at each street. 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 will be laminated with clear plastic or other weatherproofing material and will remain in place for the duration of construction. It is the proponent's responsibility to ensure that the sub-contractors are informed of the conditions listed below:

2. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or successor). Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g. planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon the owner(s) and or responsible party(s) providing at least three working days' notice to allow DPD to evaluate the request.
3. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

Signature: (signature on file)  
Lisa Rutzick, Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: August 3, 2009