



City of Seattle

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**

Project Number: 3010224
Applicant: Jay Reeves of Sclater Partners for Clise Properties
Address: 2020 5th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow removal of 2.5 stories from an existing parking garage, add three stories (28,357 sq. ft.) office/data center, and provide required loading off-site. Parking will be reduced from 244 spaces to 73 spaces. Project also includes 4,100 cu. yds. of grading.

The following approvals are required:

Variance – to allow the required loading berth to be located on a separate site from the administrative office (SMC 23.540.35.A)

SEPA – Environmental Determination – (SMC 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS

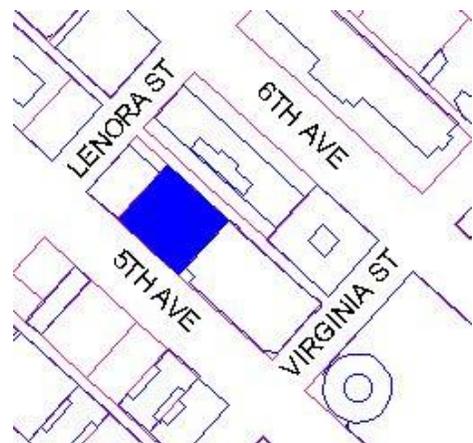
DNS with conditions

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

Current Development: The proposed development occupies the entire mid-block parcel on 5th Avenue between Lenora Street and Virginia Street.

The site is currently occupied by a 74’ tall parking garage built in 1975.

Access: Vehicular access to the site is from the alley at the east property line and from a curb cut at 5th Ave.



Surrounding Development: Adjacent development includes an early 20th-century mixed use residential and retail building to the north, a parking garage to the south, and an office building across the alley to the east, with Jazz Alley restaurant on the east side of the alley. Residential and mixed-use structures are located across 5th Avenue from the site.

The Monorail (an historic landmark) is located in the 5th Avenue public right of way. There are no other historic landmarks on or adjacent to the property.

ECAs: There are no Environmentally Critical Areas on or adjacent to the site.

PROJECT DESCRIPTION

The proposed project is to demolish the upper 30' of the structure and add four levels of data center use and rooftop mechanical equipment to the structure. The addition would bring the total building height to 140' including the mechanical equipment mezzanine and parapet wall. The proposal also includes 4,100 cubic yards of excavation below the existing building, and structure for additional data center use and parking. The applicant proposes to locate the one required loading berth for data center use on the site across the alley, at 2033 6th Avenue.

Public Comment

Notice of the proposal was issued on October 21, 2010. One public comment letter was received, with concerns about the reduction of parking spaces on site.

ANALYSIS – VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The subject property is unusual due to the age of the building and density of nearby development. The existing building occupies the entire parcel and does not offer opportunities for loading, due to the low floor to ceiling heights.

A loading space has a minimum vertical clearance of 14', but the floor to ceiling clearance in this building is 9'4". The applicant has proposed to excavate below grade for additional building area. If part of this below grade area were designated as a loading space, it would require demolition of part of the first floor to provide the minimum floor to ceiling clearance and a ramping system that could function for delivery vehicles.

Providing loading at or below grade would require major reconstruction of the existing structure. It is not reasonable to require reconstruction of the first two levels of parking to meet minimum clearance for a loading area.

The applicant has proposed shared use of a loading space at the building they own across the alley to the east (Active Voice building at 2033 6th Avenue). This loading space will allow for deliveries to the subject property. Loading in the downtown core is commonly done in public rights of way and adjacent properties where property owners have agreements for shared use. Requiring loading to be provided on the subject property would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The proposed building addition would be for data center (office use), which triggers the requirement for a loading space. The applicant has proposed shared use of the loading space across the alley from this site, as described in response to the previous criterion. The proposed off-site loading arrangement would provide a loading space for the subject property without requiring major reconstruction of the existing structure on site.

The requested variance would not grant special privilege and would be the minimum necessary to afford relief, subject to the condition listed below.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The request to provide loading on the site across the alley from the subject property would have minimal if any impact on nearby properties and improvements. The alleys in downtown zones are commonly used for deliveries and vehicular access. The proposal is not anticipated to be materially detrimental to any adjacent property or improvement in the zone or vicinity of the subject property.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

The floor to floor height of the existing building make it infeasible to provide loading within the building, as described in response to the first criterion. The literal interpretation of the applicable Land Use Code provisions to this property would cause undue hardship and practical difficulties, due to the level of construction that would be required to accommodate a loading berth on site.

- 5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.***

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The proposed loading on the adjacent lot is a response to existing adjacent uses and the existing floor to floor heights of the building. This variance application seeks to provide flexibility for a minor modification in a situation constrained by the adjacent uses and the existing development.

The proposed variance is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable, subject to the condition listed below.

DECISION - VARIANCE

The proposed variance is **CONDITIONALLY GRANTED**.

SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 22, 2010. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; increased noise; 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 Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development; the City Noise Control Ordinance which will regulate hours and level of noise. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects energy consumption, are expected to result in increases in carbon dioxide and 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 and do not warrant mitigation under SEPA.

Historic Preservation

The site is adjacent to the Monorail line in 5th Avenue, which is an historic landmark. There are no other historic landmarks on or adjacent to the subject property. The Department of Neighborhoods has reviewed the proposed development for potential impacts to the existing Landmark, and noted that no additional mitigation is warranted pursuant to SEPA.

Parking

There will be increased parking demand created by the project. The site has 244 existing parking spaces with no other uses. The removal of upper floors of parking will result in a total of 74 parking spaces and 28,357 square feet of data center (office) use. The site is located near the center of the downtown core.

The Institute of Transportation Engineers (ITE) 4th Edition Parking Manual indicates that the proposal would generate peak demand for approximately 262 vehicle parking spaces:

- $2.47 \text{ spaces per } 1,000 \text{ sq. ft. office use} \times 28,357 \text{ sq. ft.} = 70$

The site is located in a very dense urban core, close to several modes of transit, pedestrian and bicycle opportunities. The proposed remaining parking spaces at this site are more than the anticipated demand at peak times, even with the possible reduction in parking demand due to the site's proximity to alternative modes of transit.

Additionally, per SMC 25.05.675.M.2.b.i, no SEPA authority is provided to mitigate for parking impacts in downtown zones. No further conditioning is warranted by SEPA policies.

Traffic

The ITE Trip Generation 8th Edition manual indicates that the proposed data center office use will generate the following vehicle trips:

- $1.8 \text{ peak hour trips per } 1,000 \text{ sq. ft. single tenant office use} \times 28,357 \text{ sq. ft.} = 51 \text{ peak hour trips}$
- $11.57 \text{ weekday trips per } 1,000 \text{ sq. ft. single tenant office use} \times 28,357 \text{ sq. ft.} = 328 \text{ daily trips per weekday}$

The site is located in a very dense urban core, close to several modes of transit, pedestrian and bicycle opportunities. The ITE Trip Generation Manual is based on suburban assumptions that often do not include nearby transit, pedestrian, and bicycle opportunities for transportation, times, even with suburban assumptions. Therefore, the number of trips generated by the proposed use will be possible is lower than the numbers in the ITE Manual.

Additionally, the site is located nearby several arterials. The anticipated number of vehicle trips have been determined not to have a significant adverse impact on the existing traffic patterns in this area, due to the distribution of traffic to nearby intersections and the availability of nearby transit. No further conditioning is warranted by SEPA policies.

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

CONDITION - VARIANCE

Prior to MUP Issuance

1. The applicant shall record a covenant or easement granting rights at 2033 6th Avenue for loading and unloading uses by the building at 2020 5th Avenue.

CONDITION - SEPA

During Construction

2. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 a.m. to 6 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file) Date: May 19, 2011
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

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