



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**

Application Number: 3012499
Applicant Name: Jodi Patterson-O'Hare, for 55 Battery, LLC
Address of Proposal: 2334 Elliott Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story structure above grade (8 levels total) containing 137 residential units above 3,436 sq. ft. of retail. Parking for 83 vehicles to be provided in two levels below grade. Project includes 7,100 cu. yds. of grading.

The following approvals are required:

SEPA Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)

Departures:

- #1: Allow open railings to project 33” and planter boxes & parapets to project 9” vertically into the Battery Street view corridor limit of 50’ (23.49.024.B).
- #2: To allow a maximum building length of 130’ above 65’ in elevation. (23.49.164.A)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND INFORMATION:

The 21,600 square foot Downtown development site is bounded by Battery Street on the north, an alley on the east, Elliott Street to the west, and an apartment building to the south. The development site is currently vacant.

Parking for the proposed new development will be located below grade and will be accessible from two locations: from the alley, and from a curb cut off of Elliott Avenue. The Elliott access will serve 48 parking stalls on one level, while the alley access would serve 35 stalls. The parking levels would not be connected. Elliott Avenue currently serves the on-ramp to the Alaskan Way Viaduct; when the Viaduct is demolished, traffic volumes on Elliott will be greatly diminished.



The site and the block on which it is located, as well as the blocks to the north, south, and east, are zoned Downtown Mixed Residential/Commercial-85'/65'. The block across Elliott Avenue to the west is zoned Downtown Harborfront 2/65'. The surrounding area is mainly residential in nature, with newer apartment buildings and condos having been constructed in the late 1990s and early to mid-2000s. Across Elliott Street is the Seattle Art Institute, and further south of the project site (on the west side of Elliott) are office buildings housing high tech companies. Across the alley to the east is the Downtown Campus of Mars Hill Church, which operates a homeless services program out of its alley entrance.

The site topography drops about 22 feet from the high point near the intersection of the alley and the apartment building to the south, to a low point at the intersection of Battery and Elliott Avenue. Battery Street itself slopes at approximately 14% along the proposal site.

Public Comments

Public comment was received at public Design Review Meetings and during the SEPA public comment period which ran from November 3 to November 16, 2011. Comment included the following:

- There is a notable probability of the presence of unrecorded subsurface archaeological deposits and human remains.
- The proposal is likely to block views from existing buildings in the area.
- The building should be designed to relate to residential open spaces of existing buildings adjacent to the north and across the alley to the east.
- Loading areas should not block the alley which is well used by residences in the block.
- Ventilation from the building should not cause noise disturbance to the residential open space of nearby buildings.
- The pedestrian path from the residential entry to the sidewalk headed north should not cause persons to step out from behind the building façade directly into the alley.

ANALYSIS – DESIGN REVIEW

Early Design Guidance Meeting, August 23, 2011

ARCHITECT’S PRESENTATION

Three alternative design schemes were presented at the EDG meeting. All of the options included the same basic program elements.

The first scheme (Option 3) showed a proposal utilizing five stories of wood frame construction over a three level concrete base. It incorporated a “U” shaped opening to the west and a large setback from Battery Street and the fifth level.

The second scheme (Option 2) showed five levels of wood frame construction over a two level podium with the courtyard opening facing the uphill alley to the east.

The third scheme (Option 1) showed a proposal utilizing Type-I construction throughout with 9 levels, no courtyard cut, a large setback from Battery Street and a moderate-sized modulated insert along Elliott Avenue.

Public Comment

- 1) One member of the public attended the Early Design Guidance meeting. The member of the public stated that she supports the project going forward, that the courtyard facing Elliott is a smart addition, and that units on Battery Street opening onto the street would be important.

Board Discussion/Early Design Guidance

At the EDG meeting the Board identified the design guidelines of highest priority for the proposal and indicated that the project should move on to MUP application and be returned to the Board for a recommendation meeting.

DESIGN GUIDELINES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design those guidelines found in the City of Seattle’s *Design Review: Guidelines for Downtown Development* which are to be considered of highest priority for this project. In addition, guidelines which are to be considered of highest priority for the project were cited from *Design Guidelines for the Belltown Urban Center Village* where applicable.

A Site Planning and Massing

A-1 Respond to the Physical Environment

Develop and architectural concept and compose the building’s massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

Belltown-specific supplemental guidance:

- A. Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures such as the Space Needle;***
- B. The architecture and building mass should respond to sites having nonstandard shapes. There are several changes in the street grid alignment in Belltown, resulting in triangular sites and chamfered corners. Examples of this include: 1st, Western, and Elliott between Battery and Lenora, and along Denny;***
- C. The topography of the neighborhood lends to its unique character. Design buildings to take advantage of this condition as an opportunity, rather than a constraint. Along the streets, single entry, blank facades are discouraged. Consider providing multiple entries and windows at street level on sloping streets.***

At the Early Design Guidance meeting, the Board identified the adjacent building and the sloped site as important elements of the physical context to address. The multifamily building adjacent to the southeast has a “notch” providing light and air to windows of units which should be addressed in a complementary way, most likely with a matching setback.

The sloping site would present challenges in the way the building relates to the sidewalk along Elliott Ave. where it would be important to create a strong pedestrian experience.

Any live/work units included should be truly commercial in their character.

The Board did not express support for a departure to begin at a higher point matching the plinth of the neighboring building, stating that this did not provide a better solution than the guidelines which would call for building setbacks at increasing elevation.

B. Architectural Expression

Relating to the Neighborhood Context

B-1 Respond to the neighborhood context.

Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

Belltown-specific supplemental guidance:

Belltown has a rich architectural context, with a wide variety of architectural styles represented within the neighborhood. Contemporary methods of building can potentially create visual conflicts with older buildings due to differences in scale, massing, and degrees of articulation. Sometimes new buildings add exteriors that mimic past architectural styles, creating a sense of unauthentic design. These guidelines emphasize the concept of historical continuity, or in other words, the relationship of structures over time. This relationship encourages diversity within a coherent whole, reinforcing the unique and evolving character of Belltown.

At the Early Design Guidance meeting, the Board stated it is important for the building to help create and enhance the positive aspects of the neighborhood character. Bland street-facing facades should be minimized. Entries and windows should meet the sidewalk to the greatest extent possible. A large, wide open, transparent lobby would be a positive element.

Of the examples of existing buildings to draw inspiration from, the H20 and Broad Stone were found most appropriate and useful. The 222 was also said to have some positive elements.

B-4 Design a Well-proportioned & Unified Building

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

At the Early Design Guidance meeting, the Board stated that this is an important principal to be incorporated into the building design.

C. The Streetscape

Creating the Pedestrian Environment

C-1 Promote Pedestrian Interaction

Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

Belltown-specific supplemental guidance:

- A. Reinforce existing retail concentrations;***
- B. Vary in size, width, and depth of commercial spaces, accommodating for smaller businesses where feasible;***
- C. Incorporate the following elements in the adjacent public realm and in open spaces around the building: unique hardscape treatments, pedestrian-scale sidewalk lighting, accent paving (especially at corners, entries and passageways), creative landscape treatments (planting, planters, trellises, arbors), seating, gathering spaces, water features, inclusion of art elements***
- D. Building/Site Corners: Building corners are places of convergence. The following considerations help reinforce site and building corners: provide meaningful setbacks/open space, if feasible, provide seating as gathering spaces, incorporate street/pedestrian amenities in these spaces, make these spaces safe (good visibility, and iconic corner identifiers to create way finders that draw people to the site.***

At the Early Design Guidance meeting, the Board discussed the importance of creating a good pedestrian environment at this site. The Board stated it is important for the building to address and relate to the sidewalk and pedestrians along each frontage, and that this would be particularly challenging along the steep Battery Street frontage. It asked that the equipment vault shown along a sidewalk be recessed into the building behind an intervening use.

C-3 Provide Active—Not Blank—Facades

Buildings should not have large blank walls facing the street, especially near sidewalks.

At the Early Design Guidance meeting, the Board indicated this guideline was one of particular applicability.

C-5 Encourage Overhead Weather Protection

Belltown-specific supplemental guidance:

Overhead weather protection should be designed with consideration given to:

- A. The overall architectural concept of the building (as described in Guideline B-4);***
- B. Uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops and intersections);***
- C. Minimizing gaps in coverage;***
- D. A drainage strategy that keeps rain water off the street-level façade and sidewalk;***
- E. Continuity with weather protection provided on nearby buildings;***
- F. Relationship to architectural features and elements on adjacent development, especially if abutting a building of historic or noteworthy character;***
- G. The scale of the space defined by the height and depth of the weather protection;***
- H. Use of translucent or transparent covering material to maintain a pleasant sidewalk environment with plenty of natural light; and***
- I. When opaque material is used, the illumination of light-colored undersides to increase security after dark.***

The Board listed this guideline as one of high importance.

D. Public Amenities

Enhancing the Streetscape & Open Space

D-1 Provide Inviting & Usable Open Space.

Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

Belltown-specific supplemental guidance:

As a dense, urban neighborhood, Belltown views its streets as its front porches, and its parks and private plazas and spaces as its yards and gardens. The design and location of urban open spaces on a site or adjoining sidewalk is an important determinant in a successful environment, and the type of character of the open space should be influenced by the building's uses.

Residential open space: Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board indicated that it does not favor putting a driveway along the street frontage. It is not being asked for a departure for this element as it is not a development standard which can be departed from through Design Review. The Board indicated that the negative impacts of curb cuts and driveways should be minimized.

D-2 Enhance the Building with landscaping

Enhance the building and site with substantial landscaping, which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Belltown-specific supplemental guidance:

Landscape enhancement of the site may include some of the approaches or features listed below, where appropriate:

- A. Emphasize entries with special planting in conjunction with decorative paving and/or lighting;***
- B. Use landscaping to make plazas and courtyards comfortable for human activity and social interaction; Distinctively landscape open areas created by building modulation, such as entry courtyards;***
- C. Provide year-round greenery-drought tolerant species are encouraged to promote water conservation and reduce maintenance concerns; and***
- D. Provide opportunities for installation of civic art in the landscape; designer/artist collaborations are encouraged.***

The Board discussed that given the topography of the area, some upper levels will be observable from surrounding areas and that a well-developed landscape would be important.

E. Vehicular Access & Parking

Minimizing the Adverse Impacts

E-1 Minimize Curb Cut Impacts.

Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

The board indicated this would be a high priority were curb cuts to be incorporated in the final plan.

E-2 Integrate Parking Facilities

Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.

The Board stated that this guideline also indicates alley access should be utilized.

E-3 Minimize the Presence of Service Areas

Locate service areas for trash dumpsters, loading docks, mechanical equipment and the like away from the street where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.

The Board indicated that utility vaults should not be located along street frontages and that dumpster location and loading areas should be shown at the next meeting.

DPD concurred with the Board's recommendation that development of the design should follow the Board's General Directives and Guidelines selected to be of highest priority for the project as noted above and proceed to MUP application.

Initial Recommendation Meeting, January 10, 2012

ARCHITECT'S PRESENTATION

At the initial Recommendation Meeting the applicants presented a proposal based upon massing scheme 3 from the EDG meeting, which included a carved massing from Battery, and inserted eroded courtyards facing Elliott Avenue. Several programmatic changes had been made since the Early Design Guidance presentation, including a change from live/work uses along Elliott to all commercial/retail/restaurant uses. The entrances to the residential lobby and the commercial use on Elliott were combined and inset into the building to create a welcoming and protected arrival area. The residential units wrapping the façade on Battery were made more ground/street related to increase eyes on the street. A secondary pedestrian entrance was added to the Battery façade to facilitate those residents walking up the hill and to facilitate more pedestrian activity on Battery. The utility vault room was moved inside the building with an intervening retail use along the Elliott Ave. facade.

Prior to the meeting in an email from DPD staff, the Board was made aware of the fact that the Applicant had received approval from DPD for an exception to the general code provision requiring vehicle access only from an adjacent alley when one is present. The approval was based on the fact that the project had already obtained a Street Improvement Permit with the two access driveway scheme approved, and that creating two access points allowed the project to wrap the entire pedestrian façade with active uses, instead of parking garage.

The project team presented the four departure requests, which included a departure from the south side 20' setback requirement above 65' in elevation to "match" the building to the south, a lot coverage departure for the area between 65' and 85', a departure to allow landscaping and railings to project into the view corridor upper level setback on the Battery Street side, and a departure from the maximum enclosed common area requirement.

Public Comment

No members of the public offered comment at the initial recommendation meeting.

Board Discussion

The Board questioned why, when the Board had favored massing Option 1, the applicant had returned with massing Option 3. The Board had liked the simple massing concept of the alley facing façade, and had wanted that façade to be placed on Elliott, and the courtyard to be placed on the alley. The Board felt that the current design on Elliott is too complicated. The Board is not against a courtyard facing Elliott, but the applicant team should make a better case as to why it belongs here, and how the Elliott façade can be calmed, while still providing the applicant's desired courtyard. The Board also feels that it is important to meet the intent of the code with regards to the southern setback, in order to respectfully mass the building to meet the building to the south.

The Board likes both the alley and Battery facades, and would like the project to relate more to these facades on the Elliott side. The Board was concerned about the potential of "messy" Board-form concrete as the project meets the Elliott façade and wanted to see this in more detail. Generally, more detail regarding materials was requested, although the Board did like the perforated metal balconies on the alley faced. The applicant should return with a fungible material panel and board, with more details on what materials will be placed in which location on the building.

The Board asked for a lighting plan, and asked for more information about how the secondary pedestrian entrance would not become a sleeping place. More information for safety and security of the alley-related units is also necessary.

The Board acknowledged the driveway decision by DPD, and stated that the driveway on Elliott should include non-audible notifications to ensure pedestrian safety.

The Board applauded the lobby location, and how one can see down into the lobby as one walks down Battery Street—this will do much to enliven the Battery Street façade. The Board also liked the change from live/work to traditional commercial uses on Elliott. It wondered whether the small space to the south of the driveway could be successful, but agreed that a small ArtInstitute-related use could indeed be successful, and the applicant has demonstrated that it has experience in making such spaces successful. The Board also liked the weather protection provided by the project.

Regarding departures, the Board was not supportive of the departure request regarding the upper level setback to the south. The Board encouraged adding windows to each corridor into the light court. The Board needed more information about the departure from the view corridor, and would like to see in section exactly how the landscape element is to be constructed.

The Board recommended that the applicant return for a second recommendation meeting.

Final Recommendation Meeting, February 14, 2012

ARCHITECT'S PRESENTATION

The project presented responses to the Board's questions from the initial recommendation meeting. Shown was a revised façade on Elliott developed in response to the Board's concerns. The courtyard remained to allow for natural light and ventilation deeper into the building core. The rest of the Elliot façade was simplified and massed more similarly to the alley façade's clean, smooth look. The building mass as viewed along Elliott was varied with materials changes and decks to reduce the apparent monumentality of the façade.

The previous scheme included no setback above 65' in elevation to the south; in response to the Board's guidance, the 20' setback above 65' in elevation was reinstated per the land use code requirements. The rear setback included an upper level deck with a pet area and two private decks.

The team presented the material palette and streetscape sections showing where certain materials would be located. A closer detailed drawing of the secondary pedestrian entrance on Battery was also shown. The entry will be recessed with a clear glass door entering the building, with lighting above and below the door for safety. The unit to the west of the door will be screened from the door with opaque privacy screen and landscaping.

The project will incorporate several safety measures at the garage entry on Elliott, including a reverse entry (left in, left out) to avoid crossing outbound traffic, a mirror on the wall to see pedestrians, a flashing light to alert pedestrians of cars, and a change in the sidewalk paving. Audible alarms will not be used.

A lighting plan was presented showing how the private patios along the alley will be made safe with lighting, screening and landscaping.

More detail regarding the view corridor/rooftop deck departure was presented. Solid elements (planters and low parapet wall) were minimized as much as possible and project 9" into the view corridor. The guardrail would project an additional 24" to meet building code requirements.

Development Standard Departures

Two departure requests were presented. Details of the roof deck parapet condition were presented that showed dimensions of the solid elements (parapet wall and planters) and the open guardrail that project vertically into the view corridor. An elevation showing the top of the parapet approximately aligning with the top of the adjacent Mars Hill Church building was also presented. A discussion of a recent zoning change regarding building length above 65' followed. Exhibits indicating the rationale of the zoning change, namely to prevent the appearance of bulk on high-rise towers, and how they would impact the proposed project were presented. The applicant showed that the project would have only one full floor above the 65' height limit and that the courtyard and the introduction of two roof decks on the top floor would help minimize the appearance of bulk.

DMR/C 85/65 ZONING CODE	REQUIREMENTS	REQUESTS	RATIONALE
#1 VIEW CORRIDOR REQUIREMENTS SMC 23.49.024.B & SMC 23.41.012.B.9	For portions of a building above 50'-0" from grade, a 30'-0" setback is required.	Allow open railings to project 33" vertically into the view corridor, and at the Level 06 roof deck, allow planter boxes and planting enclosure parapets to project 9" vertically into the view corridor.	These departures allow the roof area created by the Battery St. view corridor to be used as outdoor common recreation area in addition to enhancing the appearance of the building when viewed from 1 st Ave. or uphill buildings. The result is an amply landscaped space that will be enjoyed by both the residents of the building and the surrounding community alike. (C-2)
#2 MAXIMUM WIDTH, DEPTH & SEPARATION REQUIREMENTS SMC 23.49.164	For portions of a building between 65' and 125,' and located on a lot greater than 19,000 sq. ft., the maximum width and depth is 120'.	Allow a maximum building length of 130' above 65' in elevation.	This section of the code affects the top floor of the proposed building. The intent of this section of the code is to prevent excessive bulk and mass in towers that rise above the 65' "base" height limit. Along the 180' Elliott Ave. frontage, once above 65', the proposed building is set back 30' for the Battery St. view corridor and 20' for the side yard setback over 65' (per Section 23.49.166) leaving 130' of building length on the top floor. The massing of the top floor is further reduced by the proposed roof deck and courtyard, leaving only 88' of facade length as measured along the Elliott property line. At the rear of the site, the top of the building does not exceed 65' in height at any point measured from the finished grade of the alley. Therefore, the proposed massing meets the intent of the code to avoid excessive bulk and mass above the 65' base. (C-2)

Public Comment

No members of the public offered comment at the final recommendation meeting.

Board Discussion

The Board thanked the applicant for its clear presentation. The Board was pleased with the revised Elliott façade, with a simpler and more modern massing. The Board liked the choice of board form concrete at street level, as it is a more appropriate material in this location and with this design aesthetic than light brick. The Board continues to like the double-height lobby with the window on Battery.

The Board emphasized that the secondary pedestrian entry should be constructed as shown in the presentation today—transparent glass on the door is important so that people can see out before they step outside. The lighting is extremely important to make this area a safe place and not an area for sleeping. The Board also likes the retail on Elliott and although it cannot state that the use should stay forever, the retail-like façade should be retained and not changed. The Board also liked the patterned concrete at the arrival lobby. This will require approval from SDOT, but the Board voiced its support of the change in concrete pattern in this location.

Having discussed and resolved the above issues, the Board agreed in their recommendation that the project should be approved. The Board recommended approval all of the departures requested.

DECISION – DESIGN REVIEW

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines and after having heard public comments on the project's design, the four Design Review Board members present unanimously recommended approval of the subject design and unanimously recommended approval of the requested development standard departures.

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Downtown Development* and do not conflict with regulatory requirements.

Therefore, the proposed design is **APPROVED and the Development Standard Departures are Approved** as presented at the February 14, 2012 Design Review Board meeting.

ANALYSIS – SEPA

This analysis relies on the *Environmental (SEPA) Checklist* for the proposed development submitted by the applicant on 10/27/2011 which discloses the potential impacts from this project. 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 Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as

enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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

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

Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from grading activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may*

use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.

- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

Noise

All construction activities are subject to the limitations of the Noise Ordinance. However, given the proximity of the site to existing residential uses, additional restrictions are warranted. 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-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

Greenhouse Gas Emissions

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.

Traffic and Circulation

Site preparation would involve removal of the existing rip-rip on the site and excavation for the foundation of the proposed building and below grade parking garage. Approximately 7,100 cubic yards of material would be excavated and removed from the site. Existing City Code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City’s street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would

require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT and subject to approval by that agency to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction. of this proposal and no further conditioning is necessary.

Long-Term Impacts – Use-Related Impacts

Cultural Resources Impacts

The project is located in an archaeological buffer critical area. During the public comment period for the project, DPD received a comment letter from the Suquamish Tribe alerting DPD to the fact that the project site is adjacent to a recorded archaeological site. To respond to the Tribe's comment and to comply with SEPA and Director's Rule 2-98, the applicant commissioned a cultural resource assessment of the project area. Pedestrian cultural resources survey of the project area, inspection of geotechnical borehole logs, and a review of historical and ethnographic materials were completed as part of the survey. No cultural resources were identified within the project area during the assessment, but archaeological sites containing significant materials have been identified within several blocks of the project site.

The study found that the project site is located near a historic trail between Elliott Bay and Lake Union that originated on the waterfront between Bell and Broad Streets. Bell Street previously was a ravine leading to the waterfront, long since filled. Proximity of the project to the Bell Street Ravine, which provided easy access to the uplands from the beach during early historical periods, enhances the possibility of the location of significant cultural materials existing on the site. Due to the historic fill and grading of the project site, a relatively low potential exists for significant cultural materials to be found in certain areas of the project site, where early pre-construction fill could have preserved intact sediments. Thus, the report recommends monitoring by a professional archaeologist during excavation of the site. Such monitoring, and the preparation of an Archaeological Monitoring and Discovery Plan consistent with the cultural resources study submitted to the City, are SEPA conditions of approval per SMC 25.05.675.H and Director's Rule 2-98.

Information regarding the proposed development was shared the office of the Seattle Landmarks Preservation Board and a written response was received indicating reasonable compatibility with two near-by landmarked buildings.

Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, including but not limited to Section B-5 of the land use element of the *Comprehensive Plan*, and the Land Use Code. No significant adverse land use impacts are identified, and therefore no mitigation is warranted or required.

Traffic and Transportation

The Environmental Checklist includes a Transportation Impact Analysis prepared Transportation Solutions, Inc. The analysis found that the project's 146 units would result in 613 weekday and 51 PM peak hour vehicle trips. Due to the project's location, and after comparison with census

data, this trip count may be over estimated, as there is a relatively low level of vehicle ownership in this census tract, due to urban density, closeness of necessary services, and efficient public transit. Adjusting for such factors, it was concluded that the adjusted trip count would be 399 weekday trips and 33 PM peak hour trips.

The analysis also reviewed parking supply and demand. The proposed project would provide 83 parking stalls, with 35 stalls accessed from the alley, and 48 stalls accessed from Elliott. The City of Seattle Land Use Code does not require vehicle parking for residential uses in downtown zones. However, parking is provided to accommodate resident demand and to avoid impacts to parking supplies in the area. Given the fact that vehicle ownership in this census tract is 0.5 vehicles per rental unit, applied to the project, it is estimated that parking demand generated by the project would not exceed 73 vehicles. Therefore, the proposed parking supply is thought to sufficient to meet the estimated automobile parking demand.

Noise

Noises consistent with an urban residential building in the Downtown Urban Center may be generated as a result of this project. Noise generation as a result of the project is not expected to be significant and therefore no mitigation is required or warranted.

Height, Bulk, and Scale

The Downtown design guidelines are intended to mitigate height, bulk and scale impacts under SEPA. A project that is approved pursuant to the design review process is presumed to comply with the City's SEPA policies regarding height, bulk, and scale. Through the design and environmental review process, DPD has found no evidence that height, bulk or scale was not adequately addressed through the design review process and compliance with the design guidelines. As such, no additional mitigation regarding height, bulk and scale is warranted or required.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

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

CONDITIONS – SEPA

Prior to Issuance of MUP Permits

1. The project design shall remain substantially the same as that which received recommendation of approval in Design Review including, but not limited to, the following:
 - a. A double-height lobby with a window on Battery.
 - b. A secondary pedestrian entry with a transparent glass door and a safe level of pedestrian lighting.
 - c. Patterned concrete at the arrival lobby extending into the public sidewalk area (subject to SDOT approval).

Prior to Issuance of any Construction, Shoring or Grading Permits

2. Prior to issuance of a construction permit, the contractor shall provide a construction traffic plan to SDOT for review and approval. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.
3. All of the conditions contained in this decision must be embedded in the cover sheet for updated permit plans and for all subsequent permits including any future MUP revisions, and all building permits.
4. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

During Excavation, Demolition, and Construction

5. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site; and truck loads and routes shall be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall shall not be required.

