



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

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

Project Number: 3012794

Applicant Name: Jodi Patterson-O'Hare with Permit Consultants NW
for Cedarstrand Properties LLC

Address of Proposal: 120 6th Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story building containing 51,555 sq. ft. of office and 6,714 sq. ft. of craft workshop at ground level. Project includes 4,386 cu. yds of grading. Parking for 42 vehicles to be provided in adjacent building. The existing on-site structure will be demolished.

The following approvals are required:

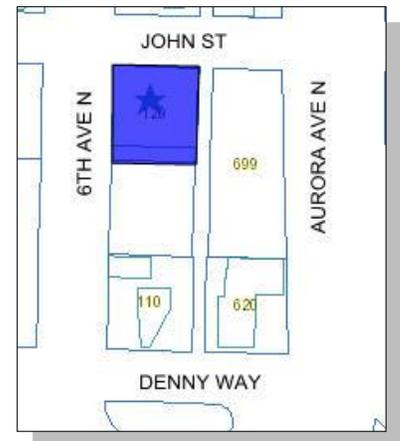
Design Review - Seattle Municipal Code (SMC) Chapter [23.41](#).

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition or involving another agency with jurisdiction.

Notice of Application and Comment Periods

Public notice of the Early Design Guidance meeting was given on November 21, 2011. The meeting was held on December 7, 2011. Public notice of the application was given on February 2, 2011; and the public comment period on the application ran from February 2 to February 29, 2011. Public notice of the Design Review Recommendation meeting was given March 22, 2012; the meeting was held on April 4, 2012. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.



¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

BACKGROUND DATA

Project Description

The applicant proposes a 4-story mixed-use development consisting 51,555 sq. ft. of administrative office space for the EMP Museum and 6,714 sq. ft. of craft workshop at ground level. The basement area is classified as administrative office because it is accessory to that office use, but will be used for storage and restoration of cultural artifacts (approximately 9,800 sq. ft.). Parking for 42 vehicles will be provided in adjacent building pursuant to an existing parking easement. The existing on-site office building, currently housing administrative offices for the Seattle Housing Authority, will be demolished.

Vicinity Information

The site is located on the northwest corner of 6th Avenue North and John Street. The site slopes downward to the east toward Aurora Avenue, with a seven-foot drop from the site's northwest corner to its northeast corner. The site consists of two parcels totaling 12,720 sq. ft. (approximately 0.3 acres). The site is currently improved with a 3-story administrative office building occupied by the Housing Authority of Seattle ("SHA") and containing approximately 31,175 sq. ft. of administrative office uses. The site is located in the Uptown Urban Center and is zoned Seattle Mixed with an 85-foot limit for structure height (SM-85). Surrounding sites are also zoned SM-85. One block to the south across Denny Way, the zoning changes to Downtown Mixed Commercial and Downtown Mixed Residential with significantly greater height limits. The Seattle Center is two blocks to the west.

The site is located on the northwest corner of the block bounded by Aurora Avenue North to the east, Denny Way to the south, 6th Avenue North to the west, and John Street to the north. The site itself is bounded by 6th Avenue North, John Street and an improved north-south midblock alley. The property immediately to the south of the site is improved with a development containing the Hyatt Place Hotel and the Annaliese Apartments. The property across the alley to the east of the site is improved with an eight-story condominium structure, the Marselle Condominiums. The proposed structure on the site would average just over 60 feet above grade at the roof, and the top of parapet would average approximately 63 feet above grade, which is well below the 85-foot structure height limit in the SM-85 zone. The rooftop will contain a small photovoltaic array in the northwest corner of the roof, as part of the applicant's intention to qualify the building for a LEED Platinum certification. The main mass of the building would be pulled back approximately 17 feet from the southern property line.

The surrounding neighborhood includes a mix of commercial and residential uses. Some new residential developments are beginning to redefine what was a relatively undeveloped/underutilized neighborhood to the east of the Seattle Center. The EMP Museum (formerly the Experience Music Project/Science Fiction Museum and referred to in this decision as "EMP"), for which the proposed structure on the site will function as administrative office and shop uses, is two blocks west and one block north of the site. The proposed project is a relocation of the existing EMP office building and shop from a nearby site two blocks to the north, which was condemned by the Washington Department of Transportation for construction staging and for future tunnel operations building for the SR 99 Bored Tunnel.

ANALYSIS – DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting held on December 7, 2011, three development options were presented. All three design schemes included four to five above-grade floors with mechanical penthouses. The applicant stated that there would likely be a request for one design departure related to the 30% transparency requirement at sidewalk level. Scheme 1 (preferred) showed four floors above grade with additional mechanical and elevator penthouses and one below-grade level, with the main building massing set back approximately 17 feet from the south property line. Scheme 2 showed four full above-grade floors extending to the south property line, with a partial fifth floor and mechanical penthouse. Scheme 3 showed four above-grade floors set back roughly 17 feet from the south property line with a fifth floor covering the majority of the floor plate.

Public Comment

Approximately three members of the public attended the Early Design Review Meeting. The following comments, issues and concerns were raised:

- One public attendee questioned the difference in height between the existing SHA building currently on site and the preferred scheme. It was noted that the greater height of the proposed schemes would block more views than the SHA building.
- Concern with noise emanating from the workshops on the ground floor was expressed.
- The proximity of the proposed loading dock on the alley to the existing garage entry for the apartment building to the east was addressed as an area of concern. Depending on use, loading dock activity could interfere with access to the adjacent garage.
- A public attendee suggested that the south property setback and the existing garage elevator create a corner in the southeast portion of the site which may have security and safety concerns.
- Clarification was requested regarding the request for reduced transparency along 6th Avenue North and John Street at the ground floor.

In response to public comments, the project architect confirmed that the proposed building height is greater than the existing SHA building height. The building design team includes an acoustician who will help formulate design strategies to mitigate noise emanating from the ground floor workshops. Use of the loading dock can be focused to non-peak hours of use for the adjacent building garage entry. The landscape design will address concerns for safety and security in the southeast portion of the site. Features such as changes in materiality and publicly engaging architecture will compensate for a reduction in the required amount of transparency on the street level facades (potential departure from the transparency requirement of SMC 23.48.018).

At the conclusion of the Initial Design Guidance Meeting, the Board recommended the project proceed to the Recommendation Meeting. Board guidance is discussed below. The Board was particularly interested in how the design would relate to the neighboring residential projects, how the design of all four exterior facades would be integrated, how the security of the open space area to the south of proposed building would be handled, how the south façade could be made more interesting and less of a blank wall, and how the applicant would enhance the pedestrian experience along 6th Avenue North and John Street in order to justify the requested design departure related to 30% transparency requirements.

At the Recommendation Meeting held on April 4, 2012, the applicant focused on the primary areas that the Board asked for more information. With respect to the guideline regarding adjacent sites (Guideline A5), the applicant noted that the core configuration has been located along the south side of the building, which will act as an acoustic and privacy buffer for the Annaliese Apartments and Hyatt Hotel. Smaller and more efficient mechanical equipment was proposed for the rooftop mechanical to minimize view disruption over the building; and rooftop equipment screening walls have been designed to contain or reflect sound away from neighboring uses. With respect to architectural concept/consistency (Guideline C2), staggered widow composition with large window assemblies were used along the primary facades of 6th Avenue North and John Street. Similar but smaller assemblies were used along the east-facing façade along the mid-block alley. And windows were introduced along the south façade. With respect to blank walls (Guideline D2), six large window openings were introduced along the south façade, and the corner stair glazing along the southwest building corner provides additional glazing on that elevation. With respect to personal safety/security (Guidelines D7/8), the applicant will install non-climbable fencing along the east and west sides of the open space to the south of the building. There would also be video surveillance of the building and exterior lighting would be designed to keep that space visible without light spill onto adjacent properties. With respect to the departure request related to transparency (30% between 2 feet to 8 feet above sidewalk level along street frontages), the applicant proposed to provide 23.6% transparency and to make the pedestrian experience more interesting with textual messages related to popular culture in the architectural precast concrete at pedestrian level.

Public Comment

No public comments were offered at the Recommendation Meeting. The project planner noted that he had been contacted by a prospective purchaser in the condominium building immediately across the alley. After reviewing the plans, that member of the public did not have concerns about the project design.

DESIGN GUIDELINE PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the applicant, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines and Neighborhood-specific guidelines (as applicable) to be of the highest priority and provided the following design recommendations.

A. Site Planning

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

At the Early Design Guidance Meeting, the Board discussed optimizing solar exposures to maximize daylight exposure for the interior office spaces.

At the Recommendation Meeting, the applicant responded by providing some additional glazing, particularly on the south façade, and by noting that the building would be positioned

on the north of the site – preserving the open space along the southern part of the site and maximizing that solar exposure. The Board was satisfied with the information presented.

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

At the Early Design Guidance meeting, the board discussed the need for an engaging streetscape along both John Street and 6th Avenue North. The traffic revisions associated with the siting of the North Portal of the Alaskan Way Tunnel Project will increase the importance of the pedestrian experience for both streets in the future.

At the Recommendation Meeting, the applicant responded that the design holds the street façade line and clearly defines the city block edge. The Board was satisfied with the information presented, and liked the pullback and glazing at the southwest corner of the building. The Board’s concerns about the transparency reductions requested along John Street and 6th Avenue North were discussed in connection with the departure request (see discussion below).

A-5 *Respect for Adjacent Sites.* *Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

At the Early Design Guidance Meeting, the Board discussed existing requirements for noise mitigation to neighboring residential buildings. The main areas of concern included noise coming from rooftop mechanical space as well as any sounds coming from the work being done in the shops on the ground floor adjacent to the alley. The Board appreciated the fact that this building was held to a lower height than the 85-foot maximum height limit of the zone. They also discussed the relationship between proposed loading dock and garage entrance for the apartments to the east.

At the Recommendation Meeting, the applicant noted that the design had been configured to place the core configuration along the south side of the building. This will act as an acoustic and privacy buffer to the Hyatt Hotel and Annaliese Apartments to the south. The design of the rooftop mechanical was modified to utilize an ultra-efficient variable refrigerant heat-pump mechanical system which would require 35% less roof area than the prior design shown to the Board. The mechanical penthouse was reoriented to reduce view impacts from the upper floors of the adjacent residential uses to the south and east. Floor-to-floor heights were also slightly more compressed to further lower the overall building height. The rooftop equipment screening walls are designed to be solid and to either contain or reflect sound away from neighbors. Decibel levels at adjacent property lines would not exceed the Seattle Noise Ordinance requirements. The project has hired an acoustical consultant to ensure Noise Ordinance compliance and to recommend ways to minimize noise from the ground floor shop area. The loading dock along the alley was slightly reconfigured to allow typical trucks that make deliveries to the EMP building to access the loading area without sticking out into the alley.

The Board was satisfied with the information presented but mentioned that they preferred the design of the mechanical screening element that was included in the original design submission package provided on March 21 rather than what was presented at the April 4th meeting. The team agreed they were reverting back to the original design scheme.

B. Height, Bulk and Scale

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

At the Early Design Guidance Meeting, the Board discussed the preferred alternative scheme's massing and building height. The proposed building average height would be well below the maximum allowable height of 85 feet. The owner and design team intentionally compressed the overall building heights to preserve views from the neighboring residential buildings. The office floor height was discussed with the possibility of reducing the floor-to-floor height to yet further reduce the overall building height.

At the Recommendation Meeting, the applicant noted that the structure height had been reduced by slightly compressing each office floor. This would keep the roof height approximately 60 feet above grade (on average), which is well below the allowable height limit. The parapets on the building are also fairly low – averaging approximately 63 feet above grade. The Board was satisfied with the information presented.

C. Architectural Elements and Materials

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

At the Early Design Guidance Meeting, the Board discussed the importance of appropriate fenestration and design occurring on all elevations including the public street frontage of 6th and John. The location and treatment of the mechanical space on the roof was also discussed in relation to the views of the adjacent residences.

At the Recommendation Meeting, the applicant showed changes in the design using a staggered window composition. Along the primary public facades of 6th Avenue North and John Street, large window assemblies, some wrapping the primary corner of the building, were used on all public floors. Color highlights in the window assemblies would be a gesture to the EMP building without seeking to copy any EMP elements. Similar but smaller window assemblies were shown along the alley (west) façade. The applicant introduced new windows along the south façade at the office floors (floors 2 through 4). In addition, the southwest corner was set back slightly, and glazing was introduced wrapping that corner, which results in more transparency along the south facade. A large and tall window opening (approximately 130

feet long and 13 feet tall) wraps the most public (northwest) corner of the building. All facades will feature operable, awning units. In addition, the massing of the south façade has been broken up by using several different types of metal cladding/panels. The Board was satisfied with the information presented.

D. Pedestrian Environment

D-2 Blank Walls. *Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.*

At the Early Design Guidance Meeting, the Board discussed the location of the building core and vertical circulation along the south wall which, while not facing a public street, creates a blank wall condition on the south elevation. The board encouraged the use of fenestration, interesting materials, or openings where possible in this façade to mitigate the blank wall.

At the Recommendation Meeting, the applicant proposed windows on the office floors on the south wall, additional glazing along the southwest corner, and several different types of metal cladding or panels to help break up the appearance of a blank wall along the south elevation. The Board was satisfied with the information presented

D-6 Screening of Dumpsters, Utilities, and Service Areas. *Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.*

At the Early Design Guidance Meeting, the Board briefly touched on this subject and said that consideration should be given to personal safety at the alley-side service zone where the design is showing dumpsters will be situated.

At the Recommendation Meeting, the applicant proposed full height enclosing walls with rolling, screened gates for the dumpsters. All utility connections will be within the building or loading dock area. The rainwater harvesting system located in the south open space would be fully enclosed. The Board was satisfied with the information presented

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

At the Early Design Guidance Meeting, the Board discussed the need to address safety and security at the site open spaces, including the southeast corner dumpster location.

At the Recommendation Meeting, the applicant showed the dumpster area treatment discussed above. The applicant also showed that the open space to the south of the building, including the adjacent open space on the neighboring property to the south, would be fenced with non-climbable fencing. Access to that area would be limited to building occupants via locked gates. The bicycle parking area would be located within that open space area. After business hours, there would be video surveillance of the building perimeter coordinated by

EMP's security personnel. Exterior lighting would be provided in the area, but would be shielded so as not to create light spill onto adjacent residential uses. The Board was satisfied with the information presented

D-8 Treatment of Alleys. *The design of alley entrances should enhance the pedestrian street front.*

At the Early Design Guidance Meeting, the Board was generally comfortable with alley corner condition and the first floor design adjacent to the loading dock location.

At the Recommendation Meeting, the applicant showed some loading dock refinements to better accommodate typical sizes of truck accessing the EMP shop and office building without impacts to alley circulation. The Board was satisfied with the information presented

D-11 Commercial Transparency. *Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.*

At the Early Design Guidance Meeting, the Board discussed the requirement for transparency on the street level façade along 6th Avenue North and John Street. The Board expressed their understanding that the first floor shop space would be used for preparation of EMP exhibits and cultural artifacts, so that privacy was necessary for those shop functions on the ground floor. However, the proposed design was encouraged to creatively treat the ground level to maintain an active and inviting pedestrian-level environment.

At the Recommendation Meeting, the applicant noted that the shop was not a commercial storefront, but they were proposing clear glazing in the areas of the shop above six feet above sidewalk level up to approximately 13 feet. Areas below approximately six feet above sidewalk level were proposed to be opaque in order to maintain privacy for the shop's exhibit preparation uses. The Board discussed this in some detail in connection with the applicant's request for a design departure to provide less than the 30% transparency in the zone from 2 feet to 8 feet above sidewalk level. With the conditions and additional design refinement required by the Board in order to address their concerns about that design departure (see discussion below) the Board approved the project's compliance with this guideline. The Board also approved the treatment of the south façade "blank wall" that was shown at the Recommendation Meeting.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. *Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

At the Early Design Guidance Meeting, the Board discussed the open space between the proposed design and the adjacent apartments to the south. The board stressed that this area should not be forgotten and given the appropriate landscaping and security could be a valuable amenity as well as maintain a visually desirable adjacent space for the apartments.

At the Recommendation Meeting, the applicant showed a more detailed landscaping plan that would unify the landscaping on the 17-foot wide south portion of the project site and the 13-foot wide landscaped open space area on the neighboring property to the south. The applicant has the permission of the neighboring owner to landscape, light and fence the adjacent open space area to the south. The Board was satisfied with the information presented.

DEPARTURES

The applicant proposed one development standard departure. The Land Use Code requires 30% transparency along the 6th Avenue North and John Street facades in the area between two (2) feet to eight (8) feet above the level of the sidewalk, SMC 23.48.018. While the proposal would include additional glazing above the eight-foot level, the applicant proposed less than 30% in the area between two to eight feet. The operational reason for this is the use of the first floor as the EMP shop to mount exhibits and handle exhibit materials. Those operations cannot be carried out in the public view.

At the Early Design Guidance Meeting the Board indicated that any reduction in the SMC 23.48.018 street transparency requirements would have to be mitigated by use of architectural features that create an engaging pedestrian streetscape.

At the Recommendation Meeting, the applicant proposed providing 23.6% transparency in the two to eight foot zone, rather than the required 30%. Below approximately six (6) feet above sidewalk level, the design incorporated a colored band and opaque glass above the precast concrete building pedestal. This opaque glass area would vary in width, because the site slopes to the north and east, but would be consistently approximately six feet above sidewalk level in order to give sufficient privacy to EMP exhibit preparation. Above that level, there would be unobstructed views into the shop up to approximately 13 feet or greater above sidewalk level. To add visual interest, the applicant proposed inscribed local historical or cultural messaging, in keeping with the mission of the EMP, which would be on the precast concrete panels in the area immediately below the opaque glazing. This would be from approximately three to six feet above sidewalk level. The text would be inscribed in letters six to eight inches in height.

The Board understood the need for privacy in the preparation of EMP exhibits, but the Board was concerned that the lack of any transparency below six feet would be too great an impact to the pedestrian environment. The Board was also concerned that the single line of inscribed text, although a good design idea, would not do enough to enliven the pedestrian environment to offset the opaque nature of the façade below approximately six feet as proposed. Accordingly, the Board approved the requested departure, but with the condition that the applicant work with DPD to provide greater transparency so that some visual interest and increased illumination can be provided in that area below six feet, but without compromising the operational integrity of EMP exhibit preparation, and that the applicant also work with DPD to provide greater visual interest in the area of the concrete panels.

At the Recommendation Meeting, the Board recommended approval of the project's design as presented, by a 5-0 vote, with the following design review conditions to be incorporated into the plans prior to the MUP issuance:

- Condition 1: The project shall be constructed with the materials (or substantially similar in terms of style and quality) presented at the Recommendation Meeting, with any changes to be approved by DPD.

- Condition 2: The applicant shall work prior to MUP issuance with DPD to provide greater transparency in the area proposed to be opaque below six feet above sidewalk level, so that some visual interest and increased illumination can be provided in that area without compromising the operational integrity of EMP exhibit preparation, and that the applicant also work with DPD to provide greater visual interest in the area of the concrete panels.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Director of DPD to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Decision

The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the five members present at the Recommendation Meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines.

Therefore, the Director accepts the Design Review Board's recommendations and **Conditionally Approves** the proposed design with the conditions summarized at the end of this Decision.

ANALYSIS—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) because the proposed project is located in a commercial zone and proposes demolition and construction of square footage greater than the applicable SEPA categorical exemption thresholds.

The applicant provided the initial disclosure of this development's potential impacts in an Environmental Checklist dated January 20, 2012, which included a traffic analysis and an analysis of the potential historic significance of the existing building on the site. DPD has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans, and considered

pertinent public comment. That information along with DPD's experience as lead agency with review of similar projects forms the basis of this SEPA threshold analysis and decision.

As indicated in this analysis, 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.

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, and 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. Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of some of the impacts is appropriate and is noted below.

Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction). Other agencies will provide adequate mitigation for the identified impacts, such as the Puget Sound Clean Air Agency (dust/air impacts during construction).

Earth

The proponents have submitted preliminary soils analysis for DPD review. DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC [22.800](#)) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

Demolition of the existing structure on site could create air quality impacts if not sufficiently mitigated. The applicant will be expected to keep the demolition debris watered in order to control dust. Any asbestos-containing material will have to be removed and disposed of pursuant to the regulations of, and a permit from, the Puget Sound Clean Air Agency. Compliance with those permitting regulation is sufficient to control significant impacts.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

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.

Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at site could adversely affect the surrounding residential/commercial 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 [25.05.675 B](#)), mitigation is warranted.

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 AM to 7 PM. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 AM and 7 PM once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as finish work that does not involve noisy construction equipment (e.g. painting or drywall), site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Noise Abatement Coordinators (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction appears to be unwarranted.

Construction Traffic

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). The immediate area is subject to traffic congestion during the PM peak hours on Aurora Avenue North and Denny Way, and large trucks turning onto arterial streets 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.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building 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 will not be mitigated by existing codes and regulations.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will ensure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

City 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. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the street use ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. 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.

Operational activities, primarily vehicular trips associated with the project and the project's 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.

Historic Resources

The existing SHA building is over 50 years old and was originally built for the Northwestern Insurance Company. Both the designer and the architect for the building were well-known and important in the Seattle area. Because of concerns regarding the potential historic nature of the existing building, the applicant prepared a Seattle Landmark nomination, which was submitted to the Seattle Landmarks Preservation Board. The nomination materials were prepared by Susan Boyle and the BOLA Architecture and Planning firm and concluded that the building did not meet the criteria to be a Seattle Landmark. On February 1, 2012, the City's Landmarks Preservation Board agreed and denied the nomination based on a finding that the existing building on the site (the Northwestern-Rainier Building) did not meet any of the designation for a Seattle Landmark under SMC 25.12.350. Accordingly, the proposed demolition of the existing structure on the site will not have any significant adverse impact to historic resources.

The City's view policies may also be used to protect public views of Seattle Landmarks. There are several Landmarks within two to three blocks of the proposed project – the Seattle First National bank

Building approximately two blocks to the southwest; the Seattle monorail station approximately two blocks to the west; the West Earth Company Street Clock approximately three blocks to the northeast; the Space Needle approximately three blocks to the west; the Kobe Bell approximately three blocks to the west, and Denny Park approximately two blocks to the east. Because the proposed EMP building is lower than the surrounding condominium, hotel and apartment structures on the block, no public views of Seattle Landmarks are impacted and no mitigation is warranted.

Parking

The Environmental Checklist showed that EMP will populate the proposed building at a level that is less dense than typical office building. There will be three office floors of approximately 10,394 sq. ft. each. The ground floor will house the shop and lobby; and the tall basement floor will provide storage and artifact preservation (accessory to the office use). The current EMP office/shop building two blocks to the north, which has been condemned by WSDOT occasioning the need to this replacement structure, houses approximately 70 employees. That total could grow to 75 at this new site.

Because the site is within an Urban Center, the Land Use Code does not require accessory parking. The project will provide, however, 42 permanent accessory parking spaces in the underground garage on the property immediately to the south. An elevator located on the south side of the proposed structure provides direct access to that off-site accessory parking. The site is well served by transit, with a bus stop located on Denny Way just west of 6th Avenue North and on Aurora Avenue North just south of John Street. The Seattle Center Monorail is within several blocks to the west. Given that EMP does not populate the building as densely as most office buildings (with only 70 current employees that could grow to 75), the 42 dedicated accessory spaces is expected to adequately meet the site's parking demand. There would also not be an appreciable change over existing conditions as the SHA currently occupies 31,175 sq. ft. of office space on the site (and utilizes the same 42 accessory parking spaces), and EMP would have approximately the same amount of actual office use in the new building.

Traffic and Transportation

Traffic is not expected to increase over existing conditions. As noted above, the existing site is also already developed with 31,175 sq. ft. of office use, and the impacts from those trips will be removed from the neighborhood upon demolition of the existing structure. DPD concludes that the project's likely impacts on traffic are minimal, will not be adverse or significant, and require no additional mitigation per SMC 25.05.675.R.

Height, Bulk, and Scale

SMC [25.05.675.G.2.c](#) states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned, and the project is over 20 feet below allowable height in the zone and lower than neighboring properties. The Design Review Board considered issues of height, bulk and scale in its review of this project. The proposed structure is located on a SM-85 zoned site, and the structure conforms to zoning requirements, including height and bulk. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The Environmental Checklist discusses the project's likely light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be directed away from adjacent uses but will provide enough light in the evening to provide a safe environment, especially in the open space to the south of the building. DPD therefore determines that light and glare impacts are not likely to be substantial and warrant no further mitigation per SMC 25.05.675.K.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

DECISION - SEPA

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

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\(2\)\(C\)](#).

CONDITIONS – SEPA

The following condition(s) to be enforced during demolition/construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall 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 shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner applicant/responsible party shall:

During Construction (including demolition)

Construction activities, other than those taking place within the enclosed building, are limited to the hours of 7 AM to 7 PM on non-holiday weekdays. It is recognized that there may be occasions when

critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore the Department reserves the right to approve waivers of these construction hour and day restrictions. Such waivers must be requested at least three business days in advance, and approved by the Department on a case-by-case basis prior to such work. After the building is fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

1. All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to demolition, grading, deliveries, framing roofing, and painting) shall be limited to non-holiday weekdays between the hours of 7 AM and 7 PM. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9 AM and 7 PM once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection and interior work that does not involve noisy equipment shall not be limited by this condition.

Construction activities outside the above-stated restriction may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours are weekend days must be submitted to **Noise Abatement Coordinators** — David George david.george@seattle.gov (206) 684-7843 or Jeff Stalter jeff.stalter@seattle.gov (206) 615-1760 — at least **three (3) days in advance of the requested dates** in order to allow DPD to evaluate the request.

2. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

CONDITIONS – DESIGN REVIEW

The owner applicant/responsible party shall:

Prior to Master Use Permit Issuance

3. The applicant shall work with the DPD Land Use Planner to provide greater transparency on the portion of the John Street and 6th Avenue North facades below six feet so that some visual interest and light can be provided in that area, but without compromising the operational integrity of EMP exhibit preparation. The applicant shall also work with DPD to provide greater visual interest in the area of the concrete panels.

For the Life of the Project

4. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on April 4, 2012, and as modified in updated plans approved by Colin R. Vasquez, Senior Land use Planner, following the Board's Recommendation Meeting.

Prior to Building Permit Issuance

5. Any proposed changes to the exterior of the building must be submitted to DPD for review and approval of the Senior Land Use Planner (Colin R. Vasquez, 206-684-5639). 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.
6. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
7. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Compliance with all applicable conditions must be verified and approved by the Senior Land Use Planner, Colin R. Vasquez (206-684-5639) at the specified development stage, as required by this Director's Decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: _____ (signature on file) Date: May 10, 2012
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:bg