



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3016164

Applicant Name: Lana Lisitsa, Mithun, for Urban Visions

Address of Proposal: 200 Occidental Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story structure containing 173,478 sq. ft. of office, 14,797 sq. ft. of retail and parking for 68 vehicles located below grade. Project includes 11,920 cu. yds. of grading. Existing surface parking lot to be demolished.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

Certificate of Approval – Pioneer Square Preservation Board, Chapter 23.66, Seattle Municipal Code

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The subject site is located on the east side of Occidental Avenue S., between S. Washington Street and S. Main Street. Occidental Avenue South is closed to vehicular traffic and provides a pedestrian passageway that is integrated into Occidental Park which is located directly to the

west. The property is zoned Pioneer Square Mixed 100/100-120 (PSM-100/100-120). The site is approximately 26,240 sq. ft. in size,

The immediate vicinity is characterized by historic and newer structures embodying or harkening to the Pioneer Square historic era, and marked by solid massing, an extensive use of brick, punched fenestration, substantial store-front windows, strong cornice lines and a variety of architectural treatments identified stylistically with Richardsonian Romanesque.

Proposal Description

The applicant is proposing to construct a 7-story commercial building with 173,478 sq. ft. of office space, together with approximately 14,797 sq. ft. of retail space at the ground floor. Parking for 68 vehicles will be provided below grade. The project includes demolition of the existing at-grade parking lot and excavation of approximately 11,920 cu. yds. of soil.

Pursuant to SMC 23.66.170, the Department of Neighborhoods, in consultation with the Pioneer Square Preservation Board, is in the process of reviewing requested reductions in the alley width east of the site, the number of loading berths, structural building overhang standards and preferred street-level use maximums standards. (Refer to the plans on file for additional specific details.)

Public Comments

The public comment period for this proposal ended on May 14, 2014. No comments on the proposal were received by the Department of Planning and Development.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated March 14, 2014 and annotated by the Department of Planning and Development. The information in the checklist, supplemental information and project plans provided by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Seattle Municipal Code (SMC) Section 25.05.665(D), the SEPA Overview Policy, 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). Per SMC 25.05.665. D. 1-7, mitigation can be considered for specified limitations and/or circumstances. Therefore, a more detailed discussion of some of the anticipated impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance (construction noise), the Stormwater Grading and Drainage Control Code (grading, site excavation and soil erosion), the Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of pedestrian right-of-way), and the Building Code (construction measures in general). The following analyzes construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

Noise

Noise associated with demolition activities associated with this project, as well as during construction that could affect surrounding uses in the area, which include residential and commercial uses. There will be excavation required to prepare the project site and foundation.

The surrounding area includes several commercial and residential uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Although there is adjacency to residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts. Accordingly, no further mitigation is warranted pursuant to the SEPA policies.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the SEPA Air Quality Policy (SMC 25.05.675). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

Earth

Approximately 11,920 cu. yds. of grading is proposed with this project. The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. Since soil in the immediate vicinity of the subject site is comprised of man-made fill and is designated as liquefaction prone (a designated City of Seattle Environmentally Critical Area), DPD may require that adjacent buildings within the block are periodically monitored for settlement during construction on the subject site. In addition, the environmental Engineer-of-Record (Shannon & Wilson) noted that the subject site contains both contaminated soils and groundwater.

The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to the SEPA policies. As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly, by the DPD building plans examiner and civil Engineer-of-Record prior to issuance of the permit. To ensure that construction workers are aware of proper handling and disposal procedures, a condition is warranted. Given the presence of contaminated soils and groundwater, a Construction Contingency Plan shall be created to develop safety procedures for handling and disposing of contaminated materials during site excavation. As conditioned, the SGDCC is found to be adequate to mitigate the potential impacts associated with excavation.

Construction Impacts

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 Parking

Duration of construction of the project may last approximately 15 months. 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 and parking (SMC 25.05.675.B and M). Parking utilization along streets in the vicinity is near capacity, particularly on dates with events at the two sports stadiums in the immediate vicinity of the project. The demand for parking by construction workers during construction would likely reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need

to provide a construction worker parking plan to reduce on-street parking. The authority to impose this condition is found in SMC 25.05.675.B.2.g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 11,920 cu. yds. of soil represent the amount of excavation at the project site. The soil removed for the below grade parking will not be reused on the site and will need to be disposed off-site. Excavation and grading activity will require approximately 1,200 round trips with 10-yard hauling trucks or 600 round trips with 20-yard hauling trucks. The area around the construction site is marked by primary arterials, non-arterial streets and limited access routes coupled by two sports stadiums that generate large amounts of traffic. Furthermore, the ingress and egress of trucks, personnel and equipment may adversely impact circulation on the surrounding streets at the project locations. These construction activities may generate adverse impacts; therefore, pursuant to the SEPA Construction Impact (SMC 25.05.675.B) and Traffic/Transportation Policy (SMC 25.05.675.R), additional mitigation is warranted.

Accordingly, the applicant shall be required to submit a construction phase transportation plan to DPD and SDOT for review and approval prior to the beginning of construction. The plan shall identify approximate phases and duration of construction activity, haul routes to and from the site, address ingress/egress of trucks and personnel/equipment as well as construction worker parking. The transportation plan shall also include plans to mitigate trips and construction related activities during regularly scheduled events at the vicinity sports stadiums, based on trip mitigation plans developed by those facilities as part of their SEPA mitigation plans. As conditioned, compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. A Certificate of Approval from the Pioneer Square Preservation Board is required, which includes code provision to address materials, bulk and scale and other features of the built environment. 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. However, due to the size and location of this proposal, greenhouse gas emissions, historic preservation, height, bulk and scale, traffic, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

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 and Cultural Preservation

The project has come before the Pioneer Square Preservation Board (Board) on multiple occasions because it proposes demolition and construction activity. For the Board's review, the applicant has supplied plans, renderings, elevations, and information on the quality and type of materials. The Board has reviewed the proposed design, commenting on how the project design will be best integrated into the District's vernacular while also recognizing the proximity to Occidental Park. The Board supported the applicant's concept of unique design response to the unique location of the project along Occidental Avenue South. The Board concurred that the proposed glass curtainwall facing Occidental Square served as an appropriate neutral backdrop to the mature London Plane trees and that its largely transparent nature helped to activate the park and to improve sense of security. The applicant's design reflects the Board's comments on integration of new construction within the District, with its strong emphasis on brick and the rhythm of large "punched" windows that respond to the surrounding historic buildings along the South Main Street, South Washington Street, and Alley facades. In response to the Pioneer Square Design Guidelines and to the Board's comments, the project provides a clear differentiation between base, middle, and top sections of the façade through window groupings, variation in the brick coursing, and metal detailing. The Board was particularly supportive of the proposed street-level design that integrated steel framing reminiscent of historic wood storefronts and re-interpreted it with contemporary technology and detailing. Given the review by the City's designated special review Board, pursuant to SMC 25.05.675.H.d, no further mitigation is warranted.

Height, Bulk and Scale

The subject property is located along Occidental Avenue South between South Washington Street and South Main Street. Occidental Park, a rectangular-shaped park is adjacent to the subject site. Occidental Park is equal in size to the subject site and extends the length of the development site.

The project will cover the entire development site with a 7-story building. Surrounding blocks are marked with numerous buildings of varying facades, detailing and widths due to the predominance of several individual parcels and the age of many of the buildings. As proposed, the project will be 100 feet in height with up to an additional 15 feet above the height limit for an enclosed rooftop recreational space and up to an additional 20 feet above the height limit for an elevator penthouse. The project shall comply with the special review district standards (SMC 23.66.140.C). The project bulk and scale represents a mass comparable to buildings in the area.

To ensure that the project adequately addresses the impacts of the height, bulk and scale on the adjacent neighborhood, the applicant presented additional briefing before the Pioneer Square Preservation Board to address design solution concerning the overall structure envelope, quality of materials and use of detailing at street-level and the upper façade to ensure compatibility with

the surrounding buildings in the Pioneer Square Historic District. Due to the previous and future reviews of the project (including obtaining a final Certificate of Approval for all exterior materials) by the Board, no additional conditions regarding the height, bulk and scale are warranted.

Traffic and Transportation

The Transpo Group memorandum submitted on July 7, 2014 which compared the project to prior Transportation Impact Analysis dated June 22, 2007 as well as additional submittals provided on August 1, 2007 and September 10, 2007 for a larger proposal at the subject site (MUP No. 3007019 approving an 11-story mixed-used office/retail/residential project). These documents, along with the SEPA checklist, were used in the traffic analysis provided below.

The proposed project will generate approximately 108 net-new vehicle trips during the AM-peak hour and 108 net-new vehicle trips during the PM-peak hour based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (Seventh Edition) for High Rise Apartments, Office and Shopping Centers trip generation rates. Compared with the trip generation estimates associated with the previously approved MUP No. 3007019 for the subject site, this constitutes a 24 percent reduction in trip generation.

Compared to the previously approved MUP No. 3007019 and based on the recent analysis for the proposed NBA Arena presented in the Arena's *Draft Environmental Impact Statement* evaluating nearby intersections under 2014 conditions, the traffic operations within the nearby intersections due to the project would be minimal during the AM and PM peak hours. The project's projected traffic volumes fall within the range of typical day-to-day fluctuations in traffic volumes. The project is an improvement over the previously approved MUP No. 3007019 traffic volumes. As such, additional cars would not be expected to have a significant impact on traffic operations at the intersections. Therefore, no additional mitigation pursuant to SEPA authority is warranted.

Parking

The Seattle Municipal Code does not require minimum parking standards for non-residential uses in the Downtown Urban Center. SMC 23.54.015, Table A. Accordingly, the Seattle Municipal Code requires only three loading berth spaces within the structure.

The project proposes 68 below-grade parking spaces and requests a reduction in the number of loading berths to one. In the Pioneer Square Historical District, the loading berth standards may be reduced or waived by the Department of Neighborhoods Director after review and recommendation of the Board if the loading standards are found to adversely affect the visual character of the District. SMC 23.60.170.B. The Board recommended approval of the reduction.

The Transpo Group memorandum dated July 7, 2014 noted that there is an estimated peak parking demand of approximately 225 stalls; the current project proposal supplies 68 stalls. Assuming a practical capacity of 95 percent (65 stalls), there is a spillover of an estimated 160 vehicles at peak times. However, the Transpo Group memorandum noted that a survey of parking supply was conducted within 800-feet of the project site that determined the total parking supply (with paid parking lots and garages) of approximately 1,256 stalls. Assuming a 95 percent practical capacity results in a supply of approximately 1,193 stalls available. Existing parking demand was surveyed at 10:00 AM and 11:00 AM, which coincides with the peak

parking demand for office use. A peak parking demand of 1,008 parking stalls were occupied at this time, leaving a surplus of 180 unoccupied stalls. When compared to the project's projected excess spillover of 160 vehicles, the available unoccupied parking stalls would be able to accommodate the excess spillover demand.

Furthermore, the City is prohibited from exercising SEPA authority to mitigate the impacts of the project on parking availability in the Downtown Urban Center pursuant to SMC 25.05.675.M. Therefore, no further mitigation pursuant to SEPA authority is warranted.

Shadows on Open Spaces

The project is adjacent to Occidental Park, a publicly owned park. It is foreseeable that the project may cast shadows on Occidental Park at some periods of the year. However, the City is prohibited from exercising SEPA authority to mitigate the impacts of shadows on public open spaces in downtown zones outside a limited number of defined parks. Occidental Park is not included as a downtown public park subject to SEPA authority for mitigation of shadows on open spaces. SMC 25.05.675.Q.2.b. Thus, no mitigation pursuant to the SEPA authority is warranted for the project.

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.

- [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 2C.
- [] 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 2C.

This DNS is issued after using the Optional DNS Process in WAC 197-11-355 and Early Review DNS Process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

Prior to Issuance of a MUP (non-appealable)

- 1) A Certificate of Approval for Use and Preliminary Design from the Pioneer Square Preservation Board must be obtained.

Prior to Issuance of a Demolition, Grading, or Building Permit

- 2) A construction traffic management plan shall be submitted to DPD and SDOT for review and approval prior to the issuance of the permit. The plan shall identify approximate phases and duration of construction activity, haul routes to and from the site, address ingress/egress/idling of trucks and personnel/equipment as well as construction worker parking. The transportation plan shall also include plans to mitigate trips and construction related activities during regularly scheduled events at the vicinity sports stadiums, based on trip mitigation plans developed by those facilities as part of their SEPA mitigation plans. The transportation plan shall include a requirement that trucks hauling materials to and from the project site shall not queue under the windows of adjacent residential buildings.

- 3) Given the presence of contaminated soils and groundwater, a Construction Contingency Plan (as recommended by Shannon & Wilson) shall be created to develop safety procedures for handling and disposal of contaminated material during excavation of the site.

Signature: _____ (signature on file) Date: August 28, 2014
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

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