



City of Seattle

---

Gregory J. Nickels, Mayor  
**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**

**Application Number:** 2501473  
**Applicant Name:** James Rothwell, Callison Architecture for City Investors V LLC  
**Address of Proposal:** 970 Thomas Street

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for future construction of a four-story building containing research and development lab/administrative office (110,297 square feet), restaurant (5,465 square feet) and retail (10,383 square feet), parking for 210 vehicles will be located below grade. Existing structure to be removed. <sup>1</sup>

The following approval is required:

**SEPA - Environmental Determination**  
(Chapter 25.05, Seattle Municipal Code (SMC))

**SEPA DETERMINATION**<sup>2</sup>     Exempt     DNS     MDNS     EIS

DNS with conditions

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

<sup>1</sup>Project originally noticed- Master use permit to establish use for future construction of a four-story building containing research and development lab/administrative office (10,516 square feet), restaurant (9,272 square feet) and retail (4,790 square feet), parking for 249 vehicles will be located below grade. Existing structure to be removed. Programmatic EIS to be prepared by the City of Seattle

<sup>2</sup>Determination of Significance was issued on July 7, 2005

## **BACKGROUND DATA**

### *Site and Vicinity Description*

The site is located at 970 Thomas Street and occupies roughly the eastern half of the block bounded by Thomas Street to the south, Terry Avenue N to the east, Harrison Street to the north, and Westlake Avenue N to the west. This block is bisected north to south by a mid-block alley 16 feet wide. The property is 41,328 square feet and generally flat with a slight slope from south to north towards Lake Union, but no remarkable topographic features.

The current development on the property is a one story, approximately 11,530 square foot building containing office space, a studio, and storage. In addition, there is commercial surface parking lot for approximately 80 vehicles. The one story structure was formerly the Northern Pacific Freight Depot.

The property is zoned Industrial Commercial with a 65-foot height limit (IC-65). Properties to the east and north are also zoned IC-65. Property to the south is zoned Industrial Commercial with an 85-foot height limit (IC-85). The western half of the block and property to the immediate west is zoned Seattle Mixed with an 85-foot height limit (SM-85).

The pattern of existing land uses surrounding the project sites includes a mix of commercial and service-related uses. North/northwest of the site is the two-block area associated with the proposed South Lake Union Research & Administrative Office Space: Phases 2 & 3 Development, surface parking lots, and commercial/retail uses. To the northeast there are commercial uses including building and office supply as well as surface lot parking; towards the east/southeast there are surface parking lots and the Seattle Times complex; towards the south are sign and book publishing companies with other commercial uses and surface parking lots; and towards the west are commercial uses including a sporting goods, camera/photography equipment, wireless system outlet and surface parking.

### **Proposal Description**

The project consists of construction of a four-story building with two levels of below-grade parking. The proposal includes construction of 110,297 square feet of administrative office, 10,383 square feet of retail and 5,465 square feet of restaurant on the ground level. The existing 16-foot wide mid-block alley directly west of the project site will be widened to 20 feet in conjunction with the development of 318 Westlake Avenue N (MUP # 3003175). Ingress and egress to the below-grade parking area and loading berth will be through the alley with vehicular access from the north and south ends of the alley. Parking for 210 vehicles will be provided in the below grade garage. The sidewalks adjacent to the building will be widened at several points to improve the pedestrian environment and to provide area for a South Lake Union streetcar stop on Terry Avenue N. Construction of the project will require demolition of the existing building and removal of the surface parking currently located on the site.

An application has been filed and conceptually approved (resolution 30826; CF 307644) by City Council for a skybridge over the mid-block alley connecting the project to a new building at 318

Westlake Avenue N. The public benefits proposed in exchange for the skybridge include a five foot setback along Thomas Street from Terry Avenue to Westlake Avenue to provide a wider sidewalk, and the installation of art in the public realm. Additionally, the buildings will provide a mid-block public pedestrian connection from Westlake Avenue to Terry Avenue through the buildings and alley when the buildings are open for business.

### **Public Comment**

No public comments were received during the public comment period which ended on July 20, 2005.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in an unpublished Draft Environmental Impact Statement, but subsequently disclosed in an environmental checklist submitted by the applicant dated October 24, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The subject project originally received a determination of significance (July 7, 2005) together with related projects at 318 Westlake Avenue North, 400 and 412 9<sup>th</sup> Avenue North and 401 and 415 9<sup>th</sup> Avenue North. DPD determined that the projects are likely to have significant adverse impact on Traffic and Transportation; however, the applicant has revised the projects at 318 Westlake Avenue North and 970 Thomas Street to include payment of mitigation fees available to projects in the South Lake Union area (see traffic analysis in this document for further explanation). No applications for projects at 400 and 412 9<sup>th</sup> Avenue North and 401 and 415 9<sup>th</sup> Avenue North have been received by DPD and determination as to their participation in the transportation mitigation payment program in South Lake Union is undecided.

A separate application (#3003175) for construction of a 193,198 gross square foot, six-story commercial building is proposed by the same developer and will likely be built within the same timeframe. This analysis considers this simultaneous development and its potential cumulative impacts. Additionally, this analysis considers impacts related to both research and development lab use and administrative office use.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

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, Plants

and Animals and Shadows on Open Spaces). 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 particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified construction related impacts. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts, but impacts such as air quality, noise and traffic require further discussion and may require SEPA mitigation.

### 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 (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

### Noise

The project is expected to generate loud noise during construction; however, there are no known sensitive noise receptors (i.e. - residential uses) in the immediate area. The Noise Ordinance (SMC 25.08) limits construction noise to between the hours of 7:00 AM and 10:00 PM on weekdays and between the hours of 9:00 AM and 10:00 PM on weekends. In this case, the Noise Ordinance sufficiently mitigates construction noise and no SEPA conditioning is necessary.

### Traffic and Circulation

Site preparation would involve removal of the existing buildings, asphalt pavement and excavation for the foundation of the proposed buildings. Approximately 98,000 cubic yards of material would be excavated and removed to construct both buildings (44,000 cubic yards for the four story building at 970 Thomas Street and 54,000 cubic yards for the six-story building at 318 Westlake Avenue North). This activity would require 9,800 trips with 10-yard hauling trucks or 4,900 trips with 20-yard hauling trucks which are the standard for this size of undertaking. Additionally, it is likely that the construction will require a large amount of structural fill; therefore, additional truck trips are likely.

Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates certain times of day when truck traffic is allowed on certain streets and designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the

city. The proposal site is near a major arterial 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 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

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 and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Building Code which provides prescriptive construction techniques and standards; 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. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term, although some impacts warrant further discussion and possible mitigation.

### Traffic

The subject application together with the project located at 318 Westlake Avenue North (#3003175) will include the construction of 297,600 square feet of office and 37,500 square feet of retail space. Approximately 456 parking stalls would be provided, in two below-grade parking garages. Access to both parking garages would be from the mid-block alley. Vehicles could enter and exit the parking garages from either the north or the south ends of the alley. The alley also would provide access to truck loading and service bays for both buildings.

A traffic impact analysis prepared by the Transpo Group, Inc., documents the expected project trip generation for both buildings. With respect to traffic impacts, the "project" is meant to reference both building sites/applications (#3003175 and #2501473). The trip generation estimates are based on national data compiled by the Institute of Transportation Engineers and reported in *Trip Generation* (7<sup>th</sup> edition). These estimates are then adjusted to reflect site-specific factors that will influence trip-making behavior, mostly notably the Transportation Management Program (TMP) that will establish a goal of no more than 50% single-occupant vehicle use by employees during the AM and PM peak hours.

The net new trips expected to be generated by the project are estimated by subtracting traffic generated by existing on-site uses from the estimated project trips described above. This step, and the net new daily, AM and PM peak period trips are reflected in the table below.

Net New Project Trip Generation

<i>Land Use</i>	<i>Daily Trips</i>	<i>AM Peak Trips</i>	<i>PM Peak Trips</i>
Proposed Office	2,305	325	315
Proposed Retail	485	10	30
(Existing Uses)	(1,225)	(70)	(90)
Net New Trips	1,565	265	255

The project traffic was distributed to the surrounding roadway network using distribution patterns based on the City of Seattle transportation model, supplemented by distribution data from the regional PSRC travel demand model. These models assume peak hour project traffic primarily would be oriented to the regional transportation facilities in the area, particularly I-5. Other primary routes include 9<sup>th</sup> Avenue N, Westlake Avenue N, Fairview Avenue N, Eastlake Avenue N, S.R. 99, and Denny Way.

Generally, transportation impacts are best evaluated by comparing the levels of service at key intersections with and without the forecast project traffic. A number of intersections were analyzed to evaluate the impacts of the project. The greatest percentage increase in traffic is expected to occur at intersections adjacent to or near the project sites that currently experience relatively low volumes of traffic, such as Terry Avenue/Thomas Street, 8<sup>th</sup> Avenue/Thomas Street, and Terry Avenue/Harrison Street. The project will contribute noticeable amounts of additional traffic to several intersections projected to operate at congested (level of service E or F) conditions. These include Fairview Avenue/Mercer Street in both the AM and PM peak hours and Aurora Avenue/Denny Way, Howell Street/Yale Avenue and Westlake Avenue/Thomas Street in the PM peak hour. Several other intersections in the study area will experience decreased levels of service, but are expected to function at level of service D or better following project construction.

The site is expected to generate about 190 transit trips during the AM peak hour and 235 transit trips in the PM peak hour. These trips would be served by existing bus routes in the vicinity and by the proposed South Lake Union Streetcar, which would operate adjacent to the project site. The project also is expected to increase pedestrian and bicycle activity in the vicinity of the project site. Immediately adjacent to the site, the pedestrian environment would be enhanced by improvements to existing sidewalks on each project frontage and by the provision of curb bulbs at the corners of the site.

The project has proposed two mitigation measures to reduce expected traffic impacts. The project will implement a TMP to limit commute traffic to no more than 50% single-occupant vehicles, through measures such as subsidized bus passes and parking management. Other

project traffic occurring during commute periods would use transit or other alternative modes. (Note that the forecasted project traffic volumes identified above are based on this mode split.)

The project also has chosen to participate in the transportation mitigation payment program recently implemented in South Lake Union. Through this program, a project within South Lake Union can make payments proportionate to its expected transportation impacts, based on the proposed uses and size of development. The payment amounts are based on the costs of transportation improvements in the City of Seattle's South Lake Union Transportation Study. The Study identifies a variety of capital improvements for auto, transit, bicycle and pedestrian modes.

The transportation impacts identified in the South Lake Union Transportation Study were based on a land use growth forecast for the South Lake Union sub-area. This growth forecast anticipated development of the size and scale of this project; therefore, it is reasonable to conclude that the transportation impacts of the project (as identified above) are included in the overall transportation impacts of sub-area growth identified by the South Lake Union Transportation Study. The payment of mitigation fees consistent with the formula described in Client Assistance Memo 243 is expected to mitigate project transportation impacts at those locations identified for improvement by the South Lake Union Transportation Study.

Payment of mitigation fees and implementation of a TMP is expected to adequately mitigate anticipated transportation impacts of this development. No further transportation mitigation pursuant to SMC 25.05.675 R is warranted.

### Parking

Peak parking demand for the proposed project is estimated to be 602 parking spaces. This includes long-term commuter parking (assuming a mode split consistent with the TMP described above) and short-term parking for the retail and office uses. The project has proposed 456 parking spaces on-site. Typically, not all spaces in a parking lot can be utilized (for example, due to one vehicle using two spaces); reducing the 456 spaces by 5% to account for unavailable spaces results in an effective parking supply of 433 spaces. At peak times, parking demand is expected to exceed the effective on-site supply by approximately 169 spaces.

The project's transportation consultants conducted an inventory of off-site parking supply within 800 feet of the project site to determine if the anticipated 169 space parking spillover could be accommodated through available parking in the surrounding neighborhood. The inventory showed that approximately 250 off-street parking spaces were available within two blocks of the project site. Additionally, about 25 on-street spaces were available within two blocks. It is anticipated that spillover parking at peak times would utilize these lots and on-street spaces. In the Seattle Mixed zone, no SEPA authority is provided for the decision maker to require more parking than the minimum require by the Land Use Code. The project is conditioned to implement a transportation management plan, but no further mitigation is warranted for parking impacts pursuant to SMC 25.05.675 M.

Historic Preservation

The project proposal involves demolition of the Northern Freight Depot, built in 1912. The building is a remnant of transportation history in the area and the later railroad era in Seattle. Photographs and information about the buildings were forwarded to the Historic Preservation Office in the Department of Neighborhoods by the applicant in the summer of 2005 to evaluate whether the building met the standards for historically significant buildings. On August 5, 2005, a Landmarks Coordinator responded by letter that the Landmarks Preservation Board voted to deny the nomination of the Northern Freight Depot in that they found the property does not have the integrity or the ability to convey its significance, as per SMC 25.12.350.

Other Impacts

The other impacts such as but not limited to, increased bulk and scale, increased ambient noise, and increased demand on public services and utilities are minor in scope or otherwise mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

**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.

**CONDITIONS -SEPA**

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

Prior to Issuance of Master Use Permit

1. Provide a recorded TMP Acknowledgment Letter stating their understanding of the TMP goal, potential required elements and evaluation criteria pursuant to Director's Rule 14-2002.

Prior to Issuance of Construction Permit (except demolition, excavation, shoring)

1. Record Transportation Management Program (TMP) consistent with and including the Required Elements as described in DPD Director's Rule 14-2002 and include the following elements:
  - Program Goal: The proportion of employee trips by single occupancy vehicles (SOV) shall not exceed 50% of the trips within five years of occupancy.

- Implement the Element Requirements as determined by DPD (Based on Director's Rule 14-2002).
2. Remit in full to the City of Seattle pursuant to Client Assistance Memo 243 the transportation mitigation fee.

Signature: (signature on file)  
Jess E. Harris, AICP, Senior Land Use Planner  
Department of Planning and Development

Date: December 26, 2005