



City of Seattle

Gregory J. Nickels, 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: 3004017

Applicant: Jeff Kiser for Schnitzer Northwest, Architect John Savo of NBBJ

Address: 1918 8th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to establish the use for the future construction of a 36 story administrative office building containing 663,050 square feet of administrative office and 6,865 square feet of retail sales and service uses at street level.. Parking for 566 vehicles will be provided below grade. The existing structure and related surface parking will be demolished.

The following approvals are required:

Design Review - Chapter 23.41, (SMC).

SEPA Environmental Determination - Chapter 25.05, (SMC).

SEPA DETERMINATION: Exempt DNS MDNS EIS*

DNS with conditions

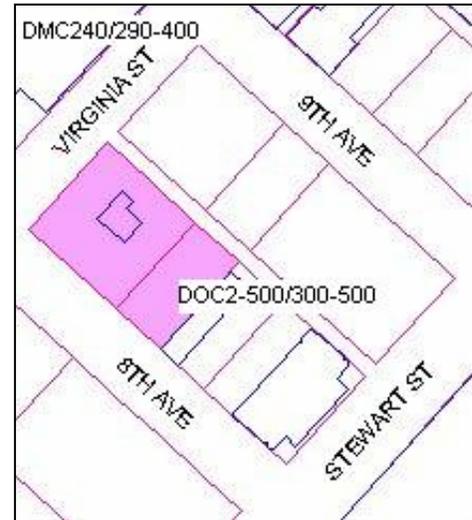
DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND INFORMATION:

Site Development

The proposal is for development of a 36 story office building with ground floor retail located at the corner of 8th Ave and Virginia Streets in the Denny Triangle neighborhood of downtown Seattle. The project includes approximately 663,050 sq. ft. of office, 6,865 sq. ft. of ground floor retail sales and service space at street level and eight levels of below-grade parking for 566 vehicles. This site is located at the corner of 8th and Virginia Street in the Denny Triangle neighborhood of Downtown Seattle.

The site is located in DOC2-500/300-500 foot zone, which was recently rezoned from DOC2-300 as part of the larger Downtown rezones approved in April 2006. The site is across an alley from another DOC2-500/300-500 zone fronting on 9th Ave between Stewart and Virginia Streets. Properties across Virginia Street to the north are zoned DMC-240/290-400, while properties to the northwest and west are also zoned DOC2-500/300-500. The surrounding area is home to a variety of uses, including high-rise structures for residences, office uses, a Federal Courthouse, institutions, historic structures and other uses characteristic of those found in the Central Business District.



The site is marked by changes in elevation along both the surrounding rights of way and the alley. A six foot rise in elevation occurs from west to east along Virginia Street. The grade drops approximately 10 feet heading from south to north along 8th and the alley, resulting in the lowest portion of the site occurring at the 8th and Virginia corner. Portions of the alley adjacent to the site are improved, but will be widened and further improved as a result of this and adjacent developments.

In 2004, the site received a Master Use Permit for the construction of a 13 story building containing 230,000 square feet of administrative office and 8,950 square feet of ground floor retail space. That Master Use Permit (2401880) was reviewed by the Department and approved on August 25, 2005. Due to changes in the downtown Code outlined above, the project was redesigned to reflect changes in height and other provisions of the code.

Public Notice

Public notice for the project occurred several times throughout review of the proposal. The initial notification of the project occurred as a result of scheduling of the first Early Design Guidance meeting as required under SMC 23.41, Early Project Implementation. Notice of this initial meeting occurred by posting of the site, publication of notice in the City's Land Use Information Bulletin (LUIB) and by mailing to current property owners within 300 feet of the project site.

Following the submission of the Master Use Permit, notice of the project was again realized through posting of the site and by publication of project information in the LUIB. Notice of the Master Use Permit is not required to be mailed to people within 300 feet of the project site. As the project is subject to Design Review, notice of meetings required following the submittal of the Master Use Permit application were also posted on site, published in the City's LUIB and mailed to people in attendance at the EDG meeting or by request from the previously stated public notice methods. As a result of the public notice efforts, two individuals provided comments. One individual focused comment on mitigation of construction noise impacts occurring in the neighborhood. The other individual provided comments centered on a variety of issues from allowed height of the new building, requests to reduce building height at the site due to loss of views, light, privacy and increased noise. Concerns were also raised by this individual about the public notice process, in particular for individuals who purchased properties that were under construction and not occupied at the time of the project review.

The final element of public notice on this project related to SEPA. Notice was provided on May 18, 2006 that the applicants intended to use the EIS prepared by City of Seattle for the changes to the Downtown code. Subsequently, Notice of the Adoption of the EIS and the availability of an Addendum was published on September 14, 2006 in the LUIB. Notice was also mailed to individuals that received the EIS along with posting at the site.

Floor Area Ratio/Combined lot development

The site is located in a DOC2-500 zone. SMC 23.49.011 establishes a base and maximum allowed Floor Area Ratio (FAR) for uses in this zone. For this site, the base FAR is 5 and the maximum is 14. For this 26,032 square foot development site, the base FAR allows for a 130,160 square feet of floor area for this site, excluding areas not counted in FAR calculation. To increase the FAR from 5 to 14, which would allow a building up to 364,448 square feet of floor area, several commitments must be fulfilled. The applicant will be required to have the first .75 FAR fulfilled through meeting LEED silver rating standards developed by the US Green Building Council. The additional 8.25 FAR will be met through provision of housing and child care facilities under SMC 23.49.012, through acquisition of FAR through landmark TDR and Performing Arts TDR under SMC 23.49.014 as well as provision of amenities under SMC 23.49.013.

This site is also allowed to utilize provisions in SMC 23.49.041, combined lot development. This provision allows for unutilized floor area on adjacent sites within the same block to send excess floor area to another development site within the same block. Two different development sites on this block were earmarked for sending allowed floor area under this code section. One development site at 818 Stewart Street will send 83,004 square feet of floor area while an additional 192,453 square feet of floor area from the development site at 800 Stewart will be transferred. The transfer meets requirements in SMC 23.49.041D (as a Type I Decision) through improving massing on the block and through preservation of a landmark structure at 1922 - 9th Ave, the El Rio (Julie) Apartments, owned by the Low Income Housing Institute (LIHI), and has been approved by the Department. Further documentation of this agreement has been included in the DPD file for this project and will be required to be shown on the final MUP drawings for this project. The code section also requires a deed that will be recorded on sending properties that acknowledges and permanently reduces development potential on these sending lots.

As a result of these transfers, the allowed floor area at the subject site will increase from a total 364,448 to 639,905 square feet, or a total allowed FAR of 24.58 based on the parcel size of 26,032 square feet. As required as a Type 1 decision, details of both FAR increases and allowances under 23.49.041 has been documented in the plans that support this decision.

Off Site Open Space

SMC 23.49.016 requires open space to be provided on site for all office developments in Downtown Seattle in excess of 85,000 square feet, at a ratio of 1 square feet of open space per 20 square feet of office space. For this development, a total of 13,168 square feet of on site open space is required. To meet this requirement, the applicants are providing 3,160 square feet on site. The remaining 10,008 square feet required in open space will be provided through improvements to dedicated green streets in the area, specifically along the west side of 9th

Avenue between Virginia and Lenora Streets and along the south side of Lenora Street from its intersection with 9th west to its terminus ½ way to 8th Avenue. This requirement has been agreed to by the applicant and has been approved by the Department, as provided under SMC 23.49.016 as a Type 1 decision pursuant to SMC 23.76. Payment for these improvements will be made pursuant to requirements detailed in SMC 23.49.013.

ANALYSIS - DESIGN REVIEW

The following is a summary of the design review process for this project, as the project met threshold requirements established under SMC 23.41 and through SMC 25.05, governing the review of environmental impacts under the State Environmental Policy Act (SEPA). Site specific SEPA impacts of the project will be analyzed later in the decision.

1. EARLY DESIGN GUIDANCE (EDG)

March 14, 2006 EDG meeting

The proposal was presented at the first EDG meeting by John Savo and Barry Aronson of NBBJ. Introductory comments were provided by other members of the development team. An overall site review was provided through the presentation of graphics and photographs. The presentation materials included three separate concepts for the site, including massing diagrams, upper level setback information, location of parking, access to the building and information concerning possible departures associated with each option. No specifics concerning materials were provided due to the early stage of design development and the overall purpose of this meeting.

At this meeting, the site was affected by then-proposed changes to the downtown code (SMC 23.49). As adopted, these changes allowed for an increase in height from 300 feet to 500 feet and an increase in allowed floor area ratio (FAR) from 10-14, with further opportunities to increase the amount of floor area ratio through combining lots across the alley for the purposes of transferring gross floor area also owned by this applicant.

Following input from the public, the Board indicated in their deliberations that staff should apply the guidance from the previous project (MUP #2401880) to this project, as the projects were similar with the exception of the allowed height. The following are the guidelines from the May 18, 2004 meeting for MUP 2401880:

- B-1 Respond to the neighborhood context
- B-2 Create a transition in bulk & scale
- C-1 Promote pedestrian interaction
- C-4 Reinforce building entries
- C-6 Develop the alley facade
- D-1 Provide inviting & usable open space
- D-3 Provide elements that define the place
- D-4 Provide appropriate signage.
- D-5 Provide Adequate Lighting
- D-6 Design for Personal Safety and Security
- E-1 Minimize curb cut impacts.

Departures from development standards

The following potential departures for the project were identified:

1. Amount of open space
2. Upper level development coverage
3. Upper level maximum façade lengths

2. RECOMMENDATION MEETINGS:

Recommendation meetings occur after the submittal of a Master Use Permit (MUP) application. The MUP for this project was submitted to the Department of Planning and Development on April 14, 2005 and determined to be complete on May 18, 2006. After being determined to be complete by publishing notice of the project in the City's Land Use Information Bulletin, notice of the project was also posted on site and mailed to parties within 300 feet of the project site. The following is an overview of the recommendation meetings for the project.

a) First recommendation meeting - June 13, 2006

The proposal was presented by John Savo and Steve McConnell of NBBJ. An overall site review was provided through the presentation of graphics and photographs. The presentation materials included further study of the preferred tower option for the site. This included several views of the tower elevations, including proposed massing and modulation along 8th Ave and Virginia Street, the tower components (base, tower and sculpted top), information on upper level setbacks, studies of the street level uses and lobby areas, location of parking and further information concerning departures.

DEPARTURES FROM DEVELOPMENT STANDARDS:

The following departures were proposed at the time of this meeting:

Code	Requirement	Proposed	Rationale
23.49.056A	35 foot minimum façade height in a DOC2-500 zone.	37 feet of the south façade will be 19 feet high.	Creates a unique street level use and allows for an open space for office workers that is connected to street and adjacent rooftop open space.
23.49.058B	Maximum length of unmodulated façade along 8 th Avenue, with modulation required to be 15 feet in depth.	Reduce required modulation depth from 15 feet to 5 feet at center of façade and to 6' at building corners, allow maximum length of modulation to increase from 60 feet to 63 feet.	Site constraints limit area of development. Approach allows for moving tower to north to create significant open space on south portion of development site; helps to create well proportioned tower mass.
23.49.058B	Maximum length of unmodulated façade along Virginia St required to be 15 feet in depth.	Reduce required depth of modulation from 15 feet to 13 feet and allow maximum length of modulation to increase from 60 feet to 103 feet.	Site constraints limit area of development. Approach allows for moving tower to north to create significant open space on south portion of development site; helps to create well proportioned tower mass.
23.49.022	15 foot wide sidewalk on 8 th Ave.	Widen sidewalk to 15 feet but allow 3 foot 6 inch columns within sidewalk widening area up to 12 feet 1 inch from curb.	7 foot 6 inch colonnade will be located behind columns for over ¾ of width of structure creating an effective 22 feet in width of sidewalk/circulation area.
23.49.018A and D	Continuous overhead weather protection along 8 th and Virginia.	Allow 3 foot break in coverage at structural columns, 9 foot break on Virginia at building corners, 3 feet in additional height at building entrance and encroaching 10 feet beyond property line.	Interruptions in overhead weather protection reduces mass of covering at street level, better supports building mass while articulating vertical components, helps emphasize building entrance. An additional covered space is still provided under building entrance through setback area.

Priorities:

In lieu of prioritizing additional guidelines, the Board directed the applicants to further develop the following building components:

- Refinement of the façade modulation on 8th Ave curtain wall.
- Further detailing of the one-story street level use located mid-block, including changes in materials and massing to differentiate the space from the adjacent street level uses.
- Investigating changing the pattern and distribution of columns in the sidewalk widening area.
- Further development of overhead weather protection as it relates to the 8th Ave colonnade.

b) Final recommendation meeting - August 29, 2006

Prior to the presentation by the applicants, Board Member Jim Falconer again disclosed that he is the owner of commercial properties approximately 2 blocks from the development site and that the applicant is a tenant at one of the properties. No objection was raised to his participation in this review.

The proposals were presented by John Savo and Steve McConnell of NBBJ. At this meeting, the applicants reviewed how the design of the building had developed since the initial Board guidance and the first recommendation meeting. The presentation included views of the overall tower as well as details of the facades including applied materials, color, details of the materials and specifications illustrating the curtain wall construction. Numerous street level details were also provided include cross- sections and oblique views of the lobby and street level uses. In response to the Board's guidance, the following revisions were incorporated into both presentation materials and plan drawings:

- Introduction of a 5 foot deep vertical notch on the east façade, similar to the feature found on the 8th Avenue tower façade, beginning at the 24th floor on the east façade.
- Modifications to the first three stories along the Virginia Street facades, changing from masonry to a predominately glass façade.
- Modifications to massing, materials and design features above the 33rd floor towards the creation of a sculpted rooftop.

DEPARTURES FROM DEVELOPMENT STANDARDS:

The following departures were proposed at the time of this meeting:

Code	Requirement	Proposed	Rationale
23.49.056A	35 foot minimum façade height in a DOC2-500 zone.	37 feet of the south façade will be 19 feet high.	Creates a unique street level use and allows for an open space for office workers that is connected to street and adjacent rooftop open space.
23.49.058B	Maximum length of unmodulated façade along 8 th Avenue, with modulation required to be 15 feet in depth.	Reduce required modulation depth from 15 feet to 5 feet at center of façade and to 6' at building corners, allow maximum length of modulation to increase from 60 feet to 63 feet.	Site constraints limit area of development. Approach allows for moving tower to north to create significant open space on south portion of development site; helps to create well proportioned tower mass.
23.49.058B	Maximum length of unmodulated façade along Virginia St required to be 15 feet in depth.	Reduce required depth of modulation from 15 feet to 13 feet and allow maximum length of modulation to increase from 60 feet to 103 feet.	Site constraints limit area of development. Approach allows for moving tower to north to create significant open space on south portion of development site; helps to create well proportioned tower mass.
23.49.022	15 foot wide sidewalk on 8 th Ave.	Widen sidewalk to 15 feet but allow 3 foot 6 inch columns within sidewalk widening area up to 12 feet 1 inch from curb.	7 foot 6 inch colonnade will be located behind columns for over ¾ of width of structure creating an effective 22 feet in width.
23.49.018A and D	Continuous overhead weather protection along 8 th and Virginia.	Allow 3 foot break in coverage at structural columns, 9 foot break on Virginia at building corners, 3 feet in additional height at building entrance and encroaching 10 feet beyond property line.	Interruptions in overhead weather protection reduces mass of covering at street level, better supports building mass while articulating vertical components, helps emphasize building entrance. An additional covered space is still provided under building entrance through setback area.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

In general, the Board members in attendance indicated that the project met the Design Guidance that was prioritized at their previous meetings. The Board also indicated that there had been considerable effort by the applicant in developing the design, including addressing the concerns raised at previous meetings about the project. The Board complimented the development team on the quality of the presentation and the details provided in the presentation to gain a full understanding of the project’s design.

Therefore, after considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, the Design Review Board members in attendance unanimously recommended **APPROVAL** of the subject design. The Board also unanimously recommended **APPROVAL** of the requested development standard departures. The Board also unanimously recommended two conditions to meet the Design Guidelines and the requests for departures:

1. In support of Guidelines A2 and B4, further study of the top floors of the building should be undertaken to further articulate and define the top of the building,
2. In support of Guidelines C1, C4 and D5, additional studies should be undertaken to provide additional lighting in the colonnade, as well as providing additional design features in the colonnade.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle *Design Review Guidelines for Downtown* and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code.

On November 9, 2006 the applicants provided updated MUP elevations and related drawings to show revisions based on the Design Review Board's recommended conditions. These revisions show changes to the top of the structure through increased detailing, change in materials, introduction of additional lighting, and changes in the fenestration on the east and west facades. These revisions help provide additional distinction to the upper floors of the building, to better meet Guidelines A2 and B4. In addition, additional lighting, changes in the location of the street level uses and additional pedestrian level details were included to address the request for additional design features within the colonnade and related street level use spaces. These revisions adequately address the conditions recommended by the Design Review Board to improve the area around the colonnade, to better meet Guidelines C1, C4 and D5.

Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD as of November 9, 2006 with no further conditions.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The Director of the Department of Planning and Development determined that the project is likely to result in adverse impacts to the following areas of the environment, per SMC 25.05.410:

- Land Use
- Historical Resources
- Aesthetics, Shadows and Glare
- Wind
- Transportation
- Construction

DPD has identified and adopts the City of Seattle’s Final Environmental Impact Statement dated January 6, 2005 prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposal impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is provided to disclose site specific impacts pursuant to SMC 25.05.625-630, through an addendum to the Downtown FEIS. Accordingly, the Notice of Adoption and Availability of Addendum was published in the City’s Land Use Information Bulletin on September 15, 2006. A copy of the addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

A. Impacts identified in the Downtown EIS

The following is a discussion of the impacts identified in each elements of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the Downtown EIS.

Land Use

SMC 25.05.675J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in land use element of the Seattle Comprehensive Plan. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

Accordingly, the addendum included an analysis of how the project is consistent with land use code and policies based on impacts disclosed in the Downtown EIS. The analysis in the addendum includes an overview of the City of Seattle Comprehensive Plan, along with an analysis of related goals and policies associated with the Denny Triangle plan. The department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

Aesthetics, Shadow and Glare

SMC 25.05.675Q requires that the Director assess the extent of adverse impacts and the need for mitigation. The analysis of sunlight blockage and shadow impacts shall include an assessment of the extent of shadows, including times of the year, hours of the day, anticipated seasonal use of open spaces, availability of other open spaces in the area, and the number of people affected. Further, if it is determined that a proposed project would substantially cast shadows on publicly-owned open spaces, specifically at Denny Park, at a time when the public most frequently uses that space, the Department may condition or deny the project to mitigate the adverse impacts of sunlight blockage, whether or not the project. Such mitigating measures may include limiting

the height and bulk of the development or redesigning its profile. While review was undertaken in the FEIS on the issue of shadowing of towers on public places could occur as a result of the changes to the Downtown zoning code, this specific site was not evaluated and, accordingly, is analyzed here.

Analysis was provided in the Addendum to look at how shadowing impacts would occur during both the Vernal and Autumnal Equinoxes (March 21 and September 21) as well as Winter and Summer Solstice (June 21 and December 21).

Based on the impacts disclosed and analyzed for Denny Park, given the length of time of the impacts, the impacts created by existing structures and the time of the year the impacts occur, no significant impacts occur to require mitigation. Accordingly, no further review is necessary.

In addition, one commenter raised an issue regarding the possible impacts of the project on view from the adjoining condominium development to the east (the Cosmopolitan). However, the City's SEPA polices do not protect private views. *See* SMC 25.05.675.P.f. Therefore, SEPA mitigation in this area is not warranted.

Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts and the need for mitigation. In particular, in Downtown zones, there are specific code provisions addressing impacts to the street system and specific mitigating measures that are available for projects. For residential projects, these measures are limited to the use of signage, the provision of information on transit and ride-sharing programs; and Bicycle parking.

As part of the original EIS review for the changes to the Downtown code, a traffic impact analysis included extensive analysis of the traffic, circulation and parking impacts associated with the changes. The focus of the analysis for this project, based on the EIS addendum, includes an analysis of site specific conditions and how the proposal relates to the original assumptions that the project was conditioned for impacts under SEPA.

The traffic analysis for the proposal established a study area that included the existing roadway network around the site, including Eighth Avenue, Stewart Street, Virginia Street, Boren, Westlake and Aurora Avenues. A total of 23 key intersections were included in the study area that included an analysis of levels of service methods and criteria, traffic signal operations, peak vehicle demand, pedestrian and bicycle circulation. Both the weekday AM and PM peak hour time periods were used in the analysis.

Daily Vehicle Trips

For this review, an analysis was undertaken that evaluated the amount of both AM and PM peak traffic. The anticipated traffic for the project assumed a total of 1,770 daily trips at full occupancy, with a combined total of 379 AM and 366 PM peak hour trips. Due to the nearby street pattern, the bulk of the trips would be coming from both I-5 and I-90, with some trips attributed to SR99 and both local south, north and east bound trips. The affected intersections during the AM peak would be both 7th and 8th Avenues at Virginia Street. During the PM peak, 9th and Virginia and 9th and Stewart Street intersections would bear most of the impacts.

The Addendum also considered impacts resulting from the location of the access to and from the garage. As proposed, the access will be located on Virginia, instead of along the existing alley which will be widened by two feet as a result of the project. The Addendum considered the impacts of having the access points along the alley instead of the street. The impacts of ingress and egress from the alley appear to be significantly greater than those attributable to access on Virginia. The worsening of level of service and traffic flow due to alley access was attributable to function of the alley and the amount of traffic from adjacent projects. Accordingly, the location of access at Virginia better mitigates traffic impacts than along the alley.

A Transportation Management Plan (TMP) will be required to help reduce and mitigate impacts resulting from the traffic generated by the proposal. The TMP will be required per DR 14-2002. No additional mitigation measures are required.

Level of Service Impacts

As part of the original EIS, a Level of Service (LOS) analysis was undertaken to evaluate anticipated delays from traffic to both signalized and unsignalized intersections. To adequately analyze the site specific conditions on LOS, additional analysis was provided that considered both existing conditions and anticipate future LOS in 2009. The analysis considered traffic volumes created by planned and potential growth in the area and near affected intersections. A summary was provided that evaluated both AM and PM LOS delays with the project. The analysis compared assumed traffic for 2009 using the original figures from the EIS as well as those developed for the Addendum. The analysis showed three specific intersections – Aurora/Denny, Stewart/Denny and Howell/Yale, would degrade in both the AM and PM peak to conditions that exceeded LOS D. However, it was found that these intersections already exceeded LOS requirements in both the AM and PM peak trips and did not require specific mitigation measures for traffic impacts. Accordingly, no additional mitigation measures are required, other than a Transportation Management Plan referenced above.

Parking Impacts

SMC 25.05.675P does not provide authority to mitigate for parking related impacts for projects located in Downtown Seattle.

Wind

SMC 25.05.675G provides general language concerning height bulk and scale impacts of a project. Some reviews of these issues were undertaken in the Downtown EIS. However, since such reviews are based on site specific impacts of a structure based on prevailing wind information, further review of these impacts are required at the time of a specific development.

Generally speaking, buildings of significant height can cause undesirable impacts on the pedestrian impact through increased wind speeds at the street level. To address these concerns an assessment was prepared using available data from the site coupled with modeling based on the profile of the proposed tower and its site plan. Specifically, locations were considered in addressing potential impacts from wind along surrounding rights of way, main entrances and the proposed podium for the adjacent residential tower (MUP 3004016). Based on data provided to analyze wind impacts at these locations, no significant impacts related to wind conditions were likely to result from this project. Accordingly, no mitigation is required.

B. Additional impacts not identified in the Downtown EIS

SMC 25.05.600D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the Downtown EIS along with the development of an addendum to analyze and mitigate site specific impacts not disclosed in the EIS. One area of impacts that was not discussed in the EIS – Construction– is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600D3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the downtown EIS.

Construction

SMC 25.05.675C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

The addendum includes a series of measures to mitigate impacts associated with work in the downtown area. These include limiting hours of work between 7 am and 6 pm Monday through Friday and 9:00 am to 6:00 pm on Saturdays, ensuring nighttime activities do not exceed noise ordinance limits, limiting high noise impacts to between 8:00 am and 5:00 pm.

Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are also included, specifically the development of a truck hauling plan, use of structured parking facilities for construction parking, staging of trucks outside of the downtown area, maintaining pedestrian walkways and sidewalks during construction, with temporary closures if needed and covered walkways along adjacent rights of way.

Accordingly, the project is conditioned to implement all mitigating measures outlined in the Addendum related to mitigation of Construction impacts through the development of a Construction Management Plan addressing access to the site during construction, noise mitigation efforts, vibration mitigation efforts and other features to address impacts related to construction activities.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

CONDITIONS – DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Michael Jenkins 206-615-1331). 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.
2. 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 (Michael Jenkins, 206-615-1331), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three 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.
3. 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 and embed the colored MUP recommendation drawings in the building permit plan sets.

CONDITIONS – SEPA

Prior to the Issuance of the Demolition and/or Shoring Permit

4. The applicant shall submit for review and approval a Construction Management Plan to address mitigation of impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. The Plan may also be incorporated into any Construction Management Plans required to mitigate any short term transportation impacts that result from the project.
5. The owner and/or responsible party shall record with King County Department of Records and Elections a letter in a format similar to that in Attachment A of Director's Rule 14-2002 acknowledging the permit conditions related to the TMP requirements. A copy of the recorded document, showing the recording number, shall be filed with DPD prior to permit issuance and include the components indicated and referenced above in this Decision.

ZONING CONDITIONS

Zoning conditions, as a Type 1 decision, may not be appealed. These conditions must be fulfilled prior to issuance of the Master Use Permit.

1. The plans shall be updated to include documentation of the agreement between the Low Income Housing Institute and the developer for the preservation of the Julie (El Rio) Apartments as part of the approval of the Combined Lot Development requirements in SMC 23.49.041. The plans shall be updated to include documentation of an agreement between the Low Income Housing Institute and the developer for the preservation of the Julie (El Rio) Apartments, or of other commitments by the developer and approved by the Department as part of the approval of the Combined Lot Development requirements in SMC 23.49.041.
2. The plans shall be updated to include documentation of the agreement between City of Seattle to allow development of the Green Street along 9th Avenue between Virginia and Lenora Street, as well as along Lenora from 9th Avenue.

Signature: (signature on file)

Date: December 14, 2006

Michael L. Jenkins, Senior Land Use Planner
Department of Planning and Development