



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

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

**Application Numbers:** 3004392  
**Applicant Name:** Franz Goebel of Amgen  
**Address of Proposal:** 1201 Amgen Court W

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for future construction of six buildings, totaling 671,098 square feet of gross floor area, at an existing research and development laboratory and administrative office facility (Amgen). The new buildings will house research and development laboratories, administrative offices, utility and warehouse uses. Six existing structures totaling 305,000 sq. ft. located partially in the Shoreline will be demolished under separate permit. The following land use components are included:

- **Shoreline Substantial Development** - to allow expansion of a research and development lab in an UI zone.
- **SEPA** - to approve, condition or deny pursuant to 25.05.660.
- **Special Exception** - to increase height from 45 ft. to 65 ft. in an IC zone per SMC 23.50.028.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS<sup>1</sup>

DNS with conditions

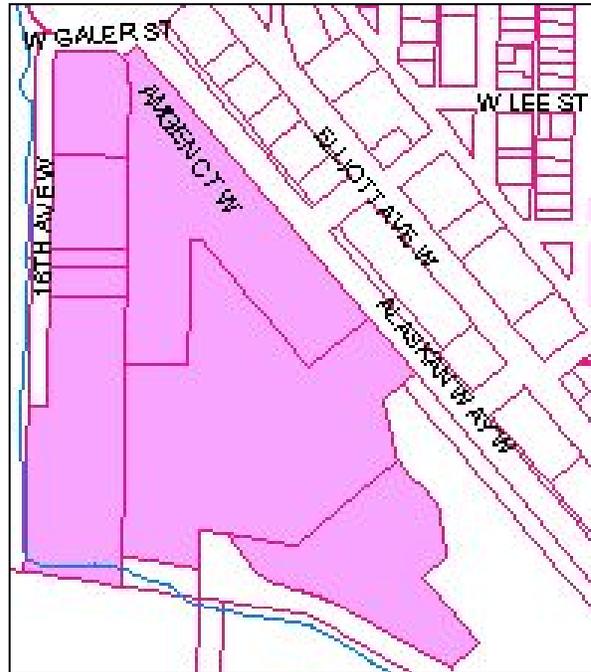
DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND**

<sup>1</sup> The proposal adopts the 1995 FEIS developed for the original proposal under MUP 9500028, as amended in an Addendum adopted September 21, 2006

### Site and Vicinity

The subject property is a 29.11 acre parcel located generally west of Elliott Avenue West and adjacent to Elliott Bay Park between Queen Anne Hill to the east and Magnolia to the northwest. The triangular shaped parcel abuts West Galer Street at the northwest corner of the property and is predominately sited along Alaskan Way West, 16<sup>th</sup> Avenue West and Elliott Bay/Myrtle Edwards Park. Most of the southern portion of the property (with varying widths between 0-155 feet) is located within a designated 200-foot Shoreline Overlay zone. No portion of the property directly abuts Elliott Bay.



The site was rezoned in by the City Council in September 2005 under Ordinance 121931. The rezone changed the underlying zoning within the 200 foot Urban Industrial (UI) Shoreline Overlay on the site from General Industrial 1 with a 45 foot height limit (IG1-45) to Industrial Commercial with a 45 foot height limit (IC-45). An area of approximately 75 feet in width upland from the boundaries of the Shoreline Overlay was also rezoned from IG1U/45 to IC-65. The remaining IC-45 zone of the site, with a special exception overlay for 65 foot in height, was not revised. The UI shoreline designation was not changed with this rezone.

The surrounding neighborhood is a mixture of industrial, commercial, and recreational uses. Elliott Bay/Myrtle Edwards Park is located to the southeast. The commercial and industrial properties along both sides of Elliott Avenue between West Prospect Street and West Galer Street and continuing south on the west side of Elliott Avenue are also zoned IC/45'. An IG1/U45 abuts the property to the northwest. A IG2/U45 zone abuts the property to the north on the opposite side of West Galer Street.

### Proposal

The applicant proposes to further develop an existing established research and development laboratory use, consisting of corporate offices, laboratories, a commons building, a mechanical plant, and a warehouse/parking structure. Four buildings are currently located on the site, approved under MUP 9500028. Three of the existing buildings contain a total of 834,785 gross square feet, of which 670,834 square feet is considered chargeable floor area towards the floor area ratio (FAR) limitations of the site. The 4<sup>th</sup> building contains 1230 parking spaces and is not counted in FAR at the site.

The buildings under consideration with this MUP were previously approved under the referenced MUP 9500028. That approval was for a Major Phased Development under SMC 23.50, allowing the structures to be built over a phased time period. Due to change in ownership of the site and buildings from Immunex to Amgen and differing timelines and changes in business practices, the applicants did not want to proceed with the footprint, siting and other features of the building originally approved under the initial MUP. This project therefore abandons the original approvals for the remaining structure not constructed under the Major Phased Development, with the proposed development reviewed for SEPA impacts along with the other components to be analyzed in this decision

The expansion will include the construction of 6 buildings with a total gross square footage area of 671,098, of which 546,421 square feet will be chargeable floor area. All of the buildings will be located outside of the Shoreline Overlay zone. The area of uses within the buildings are detailed in the following chart:

<b>Building</b>	<b>Use</b>	<b>Gross Square feet</b>	<b>Chargeable gross floor area</b>
AW 5	Warehouse	45,005	45,005
AW 6	Mechanical	5,130	5,130
AW 7	Administrative Office	133,898	133,898
AW 8	Research and Development Lab, Administrative Office	162,355	120,796
AW 10	Research and Development Lab, Administrative Office	162,355	120,796
AW 12	Research and Development Lab, Administrative Office	162,355	120,796

The project includes demolition of existing warehouse buildings, which are partially sited within the Shoreline Overlay. These buildings total 305,000 square feet and are primarily one and two-story warehouse buildings with accessory offices. In addition, surface parking lots that currently serve Amgen’s existing development will be removed, with all parking to be provided in a recently permitted 1,230 space multi-story parking garage on the east side of the development. Existing landscape features associated with the initial development for Immunex/Amgen approved under MUP 9500028 will also be removed. Following demolition, extensive excavation of the site will occur, including 122,000 cubic yards of cut with 56,000 cubic yards of fill for the development site. The development site will be improved with access roads, surface parking, landscaping as well as the referenced structures. The improvements within the Shoreline Overlay are limited to landscaping, retaining walls, access roads, a controlled vehicular and pedestrian entrance area for visitors and employees. The site abuts 16<sup>th</sup> Avenue West, which is improved with curb gutter and sidewalk on the west side of the right of way while the portion that abuts the site is paved without pedestrian improvements.

The exterior walls of the research and development labs/administrative offices buildings will use a matte finish metal panel system, with extensive use of non-reflective glazing along all facades. The smaller warehouse and mechanical buildings will be constructed using a concrete base for the first floor with metal panel on the upper floors. Mechanical equipment penthouses for the structures will also use a matte metal panel system, presumably designed to complement the lower portions of the buildings.

#### Public Comment

Notice of the project was posted on the site on or around August 17, 2006, with concurrent notice published in the City's Land Use Information Bulletin. As a result of this notice, two comment letters were submitted along with receiving one telephone call. The focus of the comments requested that traffic impacts associated with the expanded development should be analyzed and compared with growth in the larger area, improved public access to the waterfront, improved parking facilities within the right of way, minimizing lighting impacts associated with the development and mitigation of view impacts if the requested additional height for buildings under the Special Exception request is approved.

In addition to the Notice of Application, notice of the use of an existing environmental document was provided to recipients of the FEIS prepared for the initial development for Immunex, The initial FEIS was prepared by the Port of Seattle and used as the basis for conditioning of the initial MUP, and also will serve as the basis for conditioning the impacts associated with this project. This notice was published in the Land Use Information Bulletin on September 21, 2006.

#### ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Port of Seattle as lead agency disclosed the environmental impacts of the proposed research and development laboratories and office buildings in the *Immunex Headquarters Project Draft Environmental Impact Statement* (DEIS), June, 1995 and the *Final Environmental Impact Statement* (FEIS), published February 22, 1996. Information in the DEIS and FEIS is supplemented in several appendices. The information provided by the Port, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the proposed Amgen Headquarters project. The potential environmental impacts are discussed below. Where necessary, mitigation is called for under Seattle's SEPA Ordinance (SMC 25.05).

The original analysis for MUP 9500028 did not consider the alternative presented here in this MUP, namely the proposed siting, footprint, massing and distribution of buildings. Further, changes have occurred since the original MUP approval, primarily due to growth in anticipated traffic that was analyzed under the original EIS. While the proposal is generally consistent with the amount of square feet assumed in the underlying EIS, and the related impacts of such development, further analysis and conditioning, where warranted, is appropriate to ensure that no additional impacts have occurred that were not anticipated in the underlying MUP. Towards that end, a Notice of Adoption and Availability of Addendum was published on September 21, 2006. Notice was mailed to parties of records, with copies of the Addendum made available to those individuals and parties that commented on the original EIS. No comments to the DPD were made on the Addendum.

The Seattle SEPA Ordinance provides authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to the proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA not be necessary.

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

### **ENVIRONMENTAL IMPACTS**

The original FEIS prepared by the Port considered the following environmental impacts: Air; Energy and Natural Resources; Environmental Health and Noise; Land Use; Housing; Light and Glare; Aesthetics; Cultural/Historic Resources; Transportation, and Public Services, Circulation and Parking. Since the FEIS considered impacts of buildings at this location that were of differing size and configuration than the current project, an Addendum to the EIS is required. Further, the amount of development that has occurred in study areas analyzed in the FEIS compared to current conditions, in particular traffic, warranted a further analysis of the impacts disclosed in the FEIS.

The Addendum to the project covered the following elements, based upon the current proposal and the amount of development that has occurred since the FEIS was published: Earth, Air Quality, Water Quantity and Quality, Plans and Animals, Environmental Health, Noise, Land Use, Parks, Recreation and Open Space, Aesthetics, Transportation and Public Services and Utilities. No other elements of the original EIS are the subject of the Addendum. The Addendum was accepted by the department on September 21, 2006, with the notice of adoption and availability of addendum distributed to individuals and agencies that commented on the underlying FEIS, as well as individual who received notice of this project. No appeal period on the acceptance of this Addendum is required, per SMC 25.05 and SMC 23.76.

The information provided by the applicant and its consultants, the public comments received, and the experience of the lead agency with the review of similar proposals form the basis for review and conditioning of the proposal. The potential environmental impacts disclosed in the Addendum are discussed below. Where appropriate, mitigation may be required pursuant to Seattle’s SEPA Ordinance (SMC 25.05).

### Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- 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 Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. 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 debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air 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.

### Construction Parking and Traffic

Construction of the project is proposed to last for several months. Concerns were raised by residents through the review process concerning the effect of construction related traffic impacts on adjacent streets. On-street parking in the vicinity is limited, the existing site has a Transportation Management Plan that regulates the amount of traffic generated by employees, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. Further, truck trips related to construction activities, including demolition, grading and construction, will generate impacts on the related street system and at key intersections at or near the site.

The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. The plan shall address traffic related impacts resulting from construction activities at the site and how these impacts will be managed and mitigated. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance. This requirement was previously indicated as mitigation in the underlying EIS and required in the original MUP 9500028.

Noise

The subject site is located in an IC zone and is surrounded by similarly zoned sites Industrial sites. The site is generally separated from adjacent sites by rights of way and natural features. As the site and surrounding areas are zoned Industrial, the limitations and regulations found in the City's Noise Ordinance are likely to be adequate to mitigate potential noise impacts. No mitigation is required.

Long-term Impacts

Recreation

The site is located along and adjacent to the Elliott Bay Trail. The trail, including the fishing pier, is not a part of the City of Seattle parks and recreation system. As part of the establishment of a required view corridor for the project originally approved under MUP 9500028, a pedestrian bridge was installed at the south end of the development site. This bridge provides public access from Elliott Ave to the Elliott Bay Trail, immediately to the south of the site. The DEIS discussed impacts to parks, recreation, and open space on pages 4-165 through 4-174.

The Elliott Bay trail is not listed as a public viewpoint identified in the SEPA Ordinance, SMC 25.05.275, Attachment 1. While not regulated under SEPA, the trail does provide view opportunities of Puget Sound, the Olympic Mountains, and downtown Seattle skyline, and provides public access from the site to the shoreline environment. The trail feeds into Myrtle Edwards Park, which is located approximately ½ mile to the south of the site. The trail is part of a larger shoreline public trail system that runs the entire length of the downtown shoreline from the entrance of Myrtle Edwards Park at Broad Street and continues north on City right-of-way at 16th Avenue West, ending at Smith Cove Park to the northwest in the Interbay neighborhood.

The redevelopment of the site will create additional opportunities along the Elliott Bay Trail for expanded use, in part by employees. The portion of the development site along 16<sup>th</sup> Avenue West will contain visual and physical links to the trail and nearby areas. The landscape plans for this project include proposed improvements to the trail including plantings of a similar fashion to what was improved, planted and maintained under the original MUP approval. Comments were provided by the Seattle Department of Parks and Recreation that expressed concern about visibility along the Elliott Bay Trail due the type and extent of landscaping along the trail that is owned and maintained by Amgen. As the expanded development site will provide greater impacts to the existing trail, minor improvements to the portion of the trail should be undertaken following the analysis and conditioning in the underlying MUP 9500028. Accordingly, the project is conditioned under authority in SMC 25.05.675J, to ensure compatibility with existing land uses, primarily the adjacent Elliott Bay Trail. Prior to approval of a Building Permit, other than for demolition or grading, the applicant shall submit a plan that shows upgrades to the trail. The upgrades shall be reviewed and approved by DPD and included revisions, additions or alterations to existing landscaping along the trail, additional, seating, lighting or other features designed to complement existing resources along the Elliott Bay Trail.

Public View Protection

Public view protection policies are located in SMC 25.05.675.P. The policies acknowledge visual amenities available in the City and recognize the importance of maintaining these view opportunities for the public's enjoyment. Potential obstructions of public views identified in the policies include *"when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern, or when development along a street creates a continuous wall separating the street from the view."* The policies further state that *"adopted Land Use Codes attempt to protect private views through height and bulk control and other zoning regulation but it is impractical to protect private views through project review"*. The Director may condition or deny a proposal to eliminate or reduce its adverse impacts on designated viewpoints.

The EIS analyzed potential view impacts from development at this site from Kinnear Park at Seventh West and W. Olympic Place; Marshall Park/Betty Bowen View Point/Parsons Garden at Seventh West and West Highland; and Elliott Avenue West which was identified as a protected view right-of-way.

The view analysis considered existing views of Puget Sound, the Olympic Mountains, and the downtown Seattle skyline, across the Pier 88 site from 16 viewpoints located in the vicinity. Photographs that show computer enhanced overlays of the proposed structures and their relationship to existing views were included. Construction of the alternatives analyzed in the EIS would block portions of views of the shoreline edge of Puget Sound. None would block existing views of the Olympic Mountains or the downtown Seattle skyline. None of the impacts identified in the EIS required mitigation pursuant to SEPA authority at SMC Section 25.05.675.P.

Additional analysis is provided in the Addendum due to the change in siting and height from was analyzed in the EIS and previous MUP. The addendum provides view analysis from the sites analyzed in the EIS, due to the additional height resulting from redevelopment of the site in the areas where demolition of existing buildings will occur. Additional impacts are also analyzed in relationship to the height request to be addressed as part of the Special Exception, detailed below, but also considered here as part of impacts to public views. While territorial views and views of natural features will be altered as a result of the proposal, namely views of the Magnolia neighborhood from the Elliott Bay Trail, this view is not protected under the SEPA ordinance. While additional height and bulk from the proposal will alter panoramic views from Kinnear Park and the 8<sup>th</sup> Ave West promenade, the changes are minor and do not significantly alter any existing territorial views of Puget Sound or The Olympic Mountains.

An analysis was also provided in the Addendum that evaluates the additional bulk that would be realized from that portion of the buildings that would benefit from an increase in height from 45 to 65 feet under the Special Exception request under SMC 23.50. As previously indicated, the Major Phased Development MUP approval under 9500028 included a Special Exception to increase height from 45 feet to 65 feet for the entire build out of the campus. As the current MUP changes the siting and orientation of what was approved under the original MUP, additional analysis of the changed conditions is required. The analysis considers the previous height exception under the MUP against what could be built without the exception. Due to the

reorientation of the buildings, the footprint of the buildings fall through three separate zones – IC-65 closest to the shoreline, IC 45 through approximately 1/3 of each of the building area and then IC 45 with a 65 foot height limit under the previous approved Special Exception. Previously the buildings were sited in a uniform fashion oriented north/south on the site. Under the current proposal, the orientation results in buildings oriented at angles in a general northwest/southeast fashion. The reorientation of the buildings, coupled with the additional height under the Special Exception, does not appear to cause greater impacts than what were considered under the original MUP 9500028. The change in building orientation and massing results in greater opportunities for views from the adjacent Elliott Bay Trail through the site as well as providing greater visual interest for the site overall.

Accordingly, no additional impacts result from the change in building orientation and siting from what was analyzed in the previous MUP 9500028. Therefore no mitigation is required.

#### Transportation, Circulation and Parking

As part of the original EIS review for the project approved under MUP 9500028, a traffic impact analysis included extensive analysis of the traffic, circulation and parking impacts associated with the project. The focus of the analysis for this project, based on the EIS addendum, includes an analysis of changes that have occurred since the original EIS was prepared and how the proposal impacts the original assumptions that the project was conditioned for impacts under SEPA.

The original traffic analysis for the proposal established a study area that extends east to Interstate 5 (I-5) along the Mercer and Denny Way corridors, north to NW Market Street along the 15th Avenue NW/Elliott Avenue W. corridor, south to Denny Way, and west to Thorndyke Avenue W. in Magnolia. Eight key intersections were initially included in the study area and expanded to include eight other intersections in the area. Included in the original study are descriptions and 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. For the Addendum, the intersections studied were those closest to the site, which are those that most impacted by the development. Those intersections include:

- Elliott Ave W/Galer Street flyover
- Elliott Ave W/W Galer Street
- 15<sup>th</sup> Ave W/W Garfield
- Elliott Ave W/W prospect St
- Alaskan Way W/W Galer Street flyover
- Alaskan Way W/W Galer Street

*Daily Vehicle Trips* – For this review, an analysis was undertaken that evaluated changes in traffic volumes in existence at the time of the original EIS in 1995 and 2004, when the most recent traffic counts for the area were prepared. This information shows that traffic volumes on the rights of way in the area have generally decreased in the time period in question, despite 850 employees commuting to the site Monday through Friday. Future traffic in the area, including growth from adjacent development and the subject proposal, were analyzed in the Addendum based on a ‘full build out’ of the site by 2010, which assumed a total of 1.3 million square feet of

chargeable floor area and employment at the site between 1,925 to 2,400 employees at maximum capacity. According to the original traffic analysis from MUP 9500028, the proposed project would generate 4,930 trips at full build-out in 2010, with a combined total of 790 AM and 761 PM peak hour trips. As analyzed in the Addendum, trip generation related to the proposal would show a substantial decrease in amounts assumed by 2010 under the original EIS, with a total of 4,780 daily trips, 526 AM and 442 PM peak trips based on 2,400 employees. Thus, at a maximum employment base of 2,400, AM and PM peak trips would not rise to the level anticipated in the original EIS. Accordingly, to additional conditions are required to mitigate these impacts.

#### 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 change in conditions between the original EIS and the EIS addendum on level of service, additional analysis was provided that looked at the anticipated LOS in 2010 using an assumed population of both 1,925 and 2,400 employees. A summary was provided that evaluated both AM and PM LOS delays with both employment level scenarios. The analysis compared assumed traffic for 2010 using the original figures from the EIS as well as those developed for the Addendum. The analysis showed that while some additional delays would be found based on current conditions from those assumed in the original EIS, particularly at the 15<sup>th</sup> Ave W and W Garfield intersection, future operations were expected to be substantially improved from those analyzed and mitigated in the original EIS. In the comparison of anticipated LOS from the original EIS and the current addendum, the 15<sup>th</sup> Avenue West and Garfield intersection deteriorates from a LOS B to LOS C. However, this decrease in LOS does not rise to the level warranting individual mitigation, other than what was originally proposed in the underlying EIS.

As part of the original mitigation efforts under MUP 9500028 to address LOS impacts, improvements were undertaken through upgrades to signal controls at Elliott Avenue West/West Mercer Place together with an upgrade of the interconnect signal system along Elliott Avenue, between the intersections of West Armour Street and West Bay Street. This work was performed to raise the level of service to an acceptable LOS D. Additionally, a proposed ramp system at the intersection of Elliott Avenue West/West Galer Street was developed to improve traffic operations impacted as a result of the development. As these original mitigating measures have been implemented, no additional mitigation is warranted or is new mitigation required to address the minor changes in LOS as a result of the project.

#### Parking Impacts

As a result of this proposal, existing surface parking lots containing approximately 229 spaces will be removed, with the majority of parking to be provided in a previously approved garage for 1230 vehicles. The garage was approved pursuant to the Major Phased Development under MUP 9500028 to address parking requirements based on the amount of parking required for up to 2,400 employees and a total of 1.3 million square feet of chargeable floor area. In addition to the parking garage designed for the full build out of the site, approximately 60 surface parking spaces will be provided on site. The plans also show parallel parking along 16<sup>th</sup> Avenue West, with curb, gutter and sidewalk improvements on private property. The parking requirement for

the site, given the square feet of the development is 1,056 parking spaces. The total amount provided for the development is 1,290 spaces. While existing parking spaces throughout the development site will be removed to accommodate the new buildings, the parking capacity in the existing building, given the traffic and parking analysis provided both in the underlying EIS and the Addendum, provides sufficient numbers to address impacts from the development. The amount of parking appears to be sufficient to address both traffic generated to the site in part due to continued implementation of an existing Transportation Management Plan for the site, developed under the underlying MUP 9500028. Analysis of the effectiveness of the TMP was provided in the Addendum as a means to document if additional mitigation measures would be required. The amount of SOV traffic in the EIS assumed a 55% rate, which data collected in 2004 showed a 35% SOV rate, with bus service and vanpools providing growth in HOV usage, along with a doubling from 5% to 10% in bicycle traffic. No new mitigation, other than continued implementation of the TMP developed under MUP 9500028 is required

The plans for the site currently show approximately 37 parallel parking spaces to be provided along 16<sup>th</sup> Avenue West. This parking is located on private property but is designed to City of Seattle standards for curb, gutter and sidewalk. While the provision of this parking provides a resource for the immediate area, including employees and members of the public that use the recreation facilities in the area, the parking should be redesigned to be wholly located in the right of way. As designed, with the parking meeting City Standards on private property, it does not match configuration of parking within the right of way on the west side of 16<sup>th</sup> Avenue West. Its design and location would be confusing for the general public, who might believe that the parking is public. Per authority found in SMC 25.05.675M, the parking along 16<sup>th</sup> Avenue West that abuts the project shall be redesigned to meet City of Seattle right of way standards, including the development of curb, gutter, sidewalk and street trees, to complement existing on-street parking and right of way development.

## **DECISION – SEPA**

The application is **APPROVED, WITH CONDITIONS.**

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

The subject property is classified as an upland through lot (SMC 23.60.924) and is located within an Urban Industrial (UI) environment, as designated by the Seattle Shoreline Master Program. The proposed research and development buildings are entirely outside of the 200-foot shoreline district and therefore, pursuant to SMC 23.60.022 and the definition of substantial development (SMC 23.60.936) are not subject to the use and development standards specified in the specific shoreline district. A view corridor is required in the shoreline district as required in the development standards of the environment in which the use or development is located (SMC 23.60.162). The corridor was provided for the site, based on the full development of the 1.3 million square feet of development, at the time of the underlying MUP.

A Shoreline Substantial Development Permit is required for the demolition of existing warehouse buildings partially located within the shoreline, proposed grading on site and the installation of storm drainage improvements, irrigation, landscape, and public access improvements within the shoreline district. While a total of 305,000 square feet of existing

buildings will be removed, approximately 60% of the building area falls outside of the shoreline. Proposed landscape improvements include hard surface terraces, paved pedestrian and bicycle paths, parking and access areas, stone and concrete seating areas, lawn, groundcover, shrub and tree plantings. The proposed shoreline public pedestrian pathway, permitted under the original MUP, is a permitted use in the UI shoreline environment.

Section [23.60.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter [90.58](#) RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter [173-27](#) WAC*

*Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.*

Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed development on this upland lot, which is limited to grading, landscaping and access for a research and development laboratory outside of the shoreline overlay, provides for the continued operation of a facility that is located outside of the shoreline and is permitted both within and outside of the shoreline. This permitted use, minimizes, in so far as practical, any resultant damage to the ecology and environment, therefore; the subject application is consistent with the procedures outlined in RCW [90.58](#).

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter [23.60](#), that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section [23.60.152](#), the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as an upland lot (SMC [23.60.924](#)) and is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a research and development laboratory and as such are a permitted use in the UI shoreline environment and the underlying IC zone.

### Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's [Land Use Element](#), and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#). The policies support and encourage the establishment of nonwater dependent uses on upland lots (please refer to Land Use Policies LUG41, LU 231, LU 232 and LU 269). LU 269 is part of area objectives for Elliott Bay, in part through the preservation of waterfront lots. As this development area is on an upland lot, this goal is not affected by the development. The purpose of the Urban Industrial (UI) environment as set forth in Section [23.60.220 C11](#) is to provide for efficient use of industrial shorelines for water-related uses, which this use does not conflict with, as the landscape and access improvements would facilitate the continued and enhanced operation of an existing research and development laboratory, a use supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

### SMC 23.60.030 - Criteria for Substantial Development Permits

Generally, the policies and procedures of Chapter 90.58 RCW provide for the management of all shorelines of the state by planning and fostering all reasonable and appropriate uses. The policy is designed to promote and enhance the public interest. The Chapter establishes specific preference policies that are applicable specifically to shorelines of state wide significance such as Puget Sound. Typically, a waterfront lot with development that extends over Puget Sound (such as the fishing pier at Elliott Bay Park) is subject to the specific preferential policies established in this Chapter. The proposed research and development campus would be located outside of the shoreline environment and the proposed landscaping and pedestrian pathway would not be installed near the shoreline edge. As a shoreline of the City of Seattle, the proposal is subject to the Seattle Shoreline Master Program and must be consistent with the applicable provisions. As this analysis will demonstrate, the proposed public shoreline access is an appropriate shoreline recreational use. Together with the installation of landscape features and additional public parking adjacent to the existing park the proposal will promote and enhance a legitimate public interest.

### SMC 23.60.152 - Development Standards for all Environments

SMC 23.60.152 General development.

All uses and developments shall be subject to the following general development standards:

*A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*

The site will be designed to meet the City's Stormwater Ordinance, and related codes, to ensure that activities related to construction and long-term use meet the city's requirements. As the site is greater than 1 acre, a Landscape Management Plan will be required, as provided in the City's Stormwater Ordinance and discussed in Director's Rule 27-2000 which interprets that code. The landscape management plan will be required with the building permit and shall be reviewed by DPD to determine that all applicable standards related to landscape management are addressed, including reducing or limiting reliance on chemicals for landscape maintenance.

*B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*

All solid and liquid wastes will be generated, collected and stored outside of the shoreline overlay. Surface water runoff and liquid wastes will be treated and released based on the City's Stormwater ordinance and related codes.

*C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.*

Not applicable.

*D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*

No such plan is proposed, in part as the site is located on an upland lot.

*E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.*

The proposal shall comply with the City's Stormwater Ordinance. Landscaping on the site both within and outside of the shoreline zone will provide some control of stormwater runoff.

*F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*

Much of the development on the site will be provided in landscaping, qualifying as permeable surface.

*G. All shoreline developments and uses shall control erosion during project construction and operation.*

A grading and drainage plan was provided, along with supporting drawings and information showing impacts to the sanitary sewer and water system. Additional details shall be provided at the time of building permits to comply with the City's stormwater ordinance.

*H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*

As an upland lot on a highly development and armored shoreline, it is unlikely that any such impacts will occur on these protected habitats.

*I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*

The shoreline area in the area of the development site includes extensive shoreline armoring including bulkhead, rockeries and other man-made features. No impacts would be anticipated.

*J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

The development that will occur within the shoreline is primarily landscape and access features for the continue growth of an existing research and development laboratory, a use permitted in the underlying zoning and contemplated in the UI shoreline overlay.

*K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.*

The development site will include approximately 1,000 cubic yards of grading and 25,000 cubic yards of fill within the shoreline, over an area of approximately 6 acres. The area of grading within the shoreline is limited to work required for landscaping, access roads, site work and utilities. Given the size of the development area under this permit within the shoreline in relationship to the amount of grading, it is unlikely that any impacts would occur that require mitigation or conditioning that would not normally be provided under the existing City stormwater ordinances.

*L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*

No actual structures or features associated with the research and development laboratories are located within the shoreline zone.

*M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.*

The development site is on an upland lot and does not affect the nearby levee/bulkhead system.

*N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

The development site is located on an upland lot. The scope of the project within the shoreline is generally limited to landscape features with minimal construction activities, related to roads and utility. Any such impacts will be addressed in the City's Stormwater ordinance.

*O. Navigation channels shall be kept free of hazardous or obstructing development or uses.*

The development does not impact the nearby navigation channel in Elliott Bay.

*P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.*

No pier is proposed.

*Q. Submerged public right-of-way shall be subject to the following standards:*

- 1. All structures shall be floating except as permitted in subsection Q2 below;*
- 2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;*
- 3. The maximum height of structures shall be fifteen feet (15');*
- 4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;*
- 5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and*
- 6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.*

No submerged right of way is affected by this proposal.

*R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.*

Not applicable.

#### SMC 23.60.840 - Development in the UI Environment

Per SMC 23.60.882, the project is not required to provide public access to the shoreline as it is an upland lot. An existing shoreline public access pathway together with a skybridge and improvements to West Prospect Street, as provided under MUP 9500028, were designed to provide mitigation for approval of the initial Special Exception under SMC 23.50 to increase height from 45 feet to 65 feet in the IC zone. Additional mitigation measures to further enhance this existing system are discussed in greater detail in the Special Exception section of this report, due to a similar request.

SMC 23.60.882 requires that public access be provided on private properties that qualify as a waterfront lot. While a small portion of the development site meets these criteria, the portion of the development site that is under the current proposal is located on the upland portion of the lot. Accordingly, no additional shoreline public access points, except for those provided under the original MUP, are required concurrent with this development.

The UI environment requires that a view corridor that comprises 35% of the lot width be provided when an upland through lot is adjacent to a waterfront lot that is designated CM, CP, CR, or CN (SMC 23.60.876). A portion of the larger development site is adjacent to a Conservancy Management (CM) shoreline. The requirement to establish a view corridor and public access was addressed at time of the initial development approved under MUP 9500028. As the development is modifying the footprint and siting area of certain buildings previously approved under MUP 9500028, with no additional development area planned that was not contemplated in the original approval, no additional resources need to be provided.

#### **DECISION- SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED**.

#### **ANALYSIS - SPECIAL EXCEPTION**

Under the provisions of the Land Use Code, the maximum height for uses in an Industrial Commercial (IC) zone citywide may be 30 feet, 45 feet, 65 feet and 85 feet (SMC 23.50.026.A) depending on the location of the zone. Rooftop features, such as mechanical equipment, are an exception and cannot exceed 25% of the roof area or extend beyond 15 feet of the maximum height of the building. Specific height regulations are established for properties zoned IC/45' and located within a mapped area shown on Exhibit 23.50.026.A. The first floor of a structure within this mapped area must have a minimum 15-foot floor-to-floor height in order to obtain the maximum height of 45 feet (SMC 23.50.026.C.1). A sixty-five foot (65') height is permitted in the mapped area as a special exception if the criteria established in SMC 23.50.026.C.3 are met. Measurements, modification or waiver of view corridor requirements are subject to the provisions of the Shoreline Master Program, Chapter 23.60. A Special Exception is a Type II discretionary land use decision as provided in SMC 23.76.006.C.4.

Applicable criteria to this request is found in SMC 23.50.026 C1-3, as follows:

C3. *A sixty-five-foot (65') structure height is permitted as a special exception provided that:*

*a. Provision is made for view corridor(s) looking from Elliott Avenue towards Puget Sound;*

*1) The location of the view corridor(s) shall be determined by the Director upon consideration of such factors as existing view corridors, the location of street rights-of-way, and the configuration of the lot,*

The subject property is located in the IC/45' area shown on Exhibit 23.50.026 A. As discussed in the SEPA section of this report, an extensive view analysis of the proposal and its potential impacts to surrounding public view points of Puget Sound was conducted under the original MUP 9500028. The current proposal modifies the orientation and siting of the structures previously analyzed in that MUP. A 100 foot wide view corridor was established in that original MUP, in concert with the approval of a skybridge, beginning at Elliott Ave W, extending through and over the West Prospect right of way, to a public access easement to the Elliott Bay Trail. The proposal does not modify or encroach into that view corridor and related easement area.

*2) The view corridor(s) shall have a width not less than thirty-five percent (35%) of the width of the lot,*

The approved 100 foot wide corridor established under MUP 9500028, as indicated in the MUP drawings for this decision, is not modified with this proposal.

*3) The minimum width of each required view corridor shall be thirty feet (30') measured at Elliott Avenue West*

The approved 100 foot wide corridor established under MUP 9500028, as indicated in the MUP drawings for this decision, is not modified with this proposal.

*4) Measurement, modification or waiver of the view corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations, chapter 23.60. Where a waiver under these provisions is granted, the sixty-five foot (65') structure height shall still be permitted,*

The approved 100 foot wide corridor established under MUP 9500028, as indicated in the MUP drawings for this decision, is not modified with this proposal.

*5) Parking for motor vehicles shall not be located in the view corridor unless the area of the lot where the parking would be located is four or more feet below the level of Elliott Avenue West;*

No parking is planned within the view corridor established under MUP 9500028.

*b. Development shall be located so as to maximize opportunities for views of Puget sound for residents and the general public; and*

As provided in photo simulations in the EIS addendum, extensive territorial views will be available along the 16<sup>th</sup> Ave West corridor, and extending south and south west along this corridor. The proposed development is angled at a south/southeasterly orientation, directed towards the downtown skyline. While views of the downtown skyline will be altered from the Elliott Bay trail and 16<sup>th</sup> Ave W right of way, these views are not protected under this code section, nor are they protected views under the City's SEPA ordinance. Without the additional height sought under this exception, it is unlikely that any additional views would be realized, due to the orientation of the site and the existing development. Views of Puget Sound will continue to be available along this corridor when heading south. Views of Puget Sound will remain available along a northerly route on the Elliott Bay Trail, with the developed blocking views of the Magnolia neighborhood, which are not protected under this code section. Views would be substantially blocked of the Magnolia neighborhood without application of the exception. View opportunities established under MUP 9500028 established through development of the pedestrian bridge from Elliott Ave West, through the West Prospect Ave right of way, will not be compromised as a result of the proposed development.

*c. The structure contains at least two (2) stories at least fifteen feet (15') in height.*

All proposed 65-foot tall structures have two stories at least fifteen feet in height.

### **SUMMARY - SPECIAL EXCEPTION**

The special exception to allow a height of 65 feet at the site is dependent upon retention provision of an existing view corridor, established under the previous MUP decision for this site. The orientation and additional height of the proposed buildings do not impact the existing view corridor.

### **DECISION - SPECIAL EXCEPTION**

The proposed action is **APPROVED**.

### **SEPA - CONDITIONS**

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

#### *Prior to Issuance of Master Use Permit and for the Life of the Project*

1. Prepare construction phase transportation plan to be reviewed by the Land Use Planner with input from SDOT. Plans shall document the following elements:
  - Location of ingress/egress for construction equipment and trucks;
  - Limiting trips by earth-moving equipment to the hours prior to 3:00 p.m. and after 6:00 p.m.;
  - Truck access routes, to and from the site, for the excavation and construction phases; and
  - Street and sidewalk closures.
  - Location of onsite parking for all construction workers.

2. Prepare a revised site plan that shows the development of curb, gutter, sidewalk, street trees and on-street parking that is designed to meet City of Seattle standards for right of way improvements. The parking shall be designed to meet City of Seattle Standards, with approvals to be made through and approved SDOT Street Improvement Permit.

Prior to the Issuance of a Building Permit, other than for Demolition or Grading

3. The applicant shall submit a plan that shows upgrades to the adjacent Elliott Bay Trail along the property line abutting the site. The upgrades shall be reviewed and approved by DPD and included revisions, additions or alterations to existing landscaping along the trail, additional, seating, lighting or other features designed to complement existing resources along the Elliott Bay Trail.

**SHORELINE PERMIT - CONDITIONS**

Prior to the Issuance of a Building Permit for activities other than Demolition and Grading:

4. A landscape management plan meeting requirements of DR 27-2000 will be required for review and approval of DPD to determine that all applicable standards related to landscape management are addressed, including reducing or limiting reliance on chemicals for landscape maintenance.

Signature: (signature on file)  
Michael Jenkins, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: October 30, 2006