



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: 3005041
Applicant Name: Touchstone Corp.
Address of Proposal: 3301 Densmore Ave. N.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 5 story, 228,000 sq. ft. administrative office building. Parking for 400 vehicles to be provided below grade. Existing structures to be demolished.

The following approvals are required:

SEPA - Environmental Determination (SMC Chapter 25.05).

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

BACKGROUND DATA

This site is proposed for redevelopment and clean up in two separate actions. The first, the Cleanup Component, has been the subject of SEPA review by the State Department of Ecology. Redevelopment of the site with an administrative office building is being reviewed by this Department.

CLEANUP COMPONENT

Site History. The buildings on the site were developed as a Standard Oil Company distribution facility in 1927. King County purchased the property in 1982, removed the oil tanks, constructed a car port on the south end of the property, and used the site as a maintenance facility until was recently surplus.

Cleanup Action Plan (CAP). The CAP will be conducted under a Prospective Purchaser Consent Decree (PPCD). Soils would be cleaned to the Model Toxics Control Act method A soil cleanup levels for unrestricted use. There is an existing cleanup at the King County Metro site under a Consent Decree (CD) between King County, Chevron and the State Department of Ecology (DOE). The existing CD addresses the entire site and will continue to conduct the cleanup for the entire site for groundwater and soils off the subject property.

The purpose of the current PPCD is to complete the soil cleanup started under the CD. This cleanup will include the following tasks: to demolish and remove the existing buildings, construct temporary sumps to remove petroleum saturated substance, excavate petroleum impacted soils, test, treat, recycle or dispose off-site petroleum impacted soils, and conduct compliance monitoring to confirm that the cleanup is complete and achieves cleanup levels.

Site protection after work is completed would consist of institutional controls including a restrictive covenant on the extraction or use of groundwater beneath the site. It is estimated that no petroleum impacted soils would remain at the property. If the prospective purchaser is unable to remove all the petroleum impacted soils to method A clean levels, then a restrictive covenant for soils would be filed.

WDOE SEPA Determination. The Department of Ecology, acting as lead agency for the clean-up component, issued a Determination of Non-Significance in January of 2007.

REDEVELOPMENT COMPONENT

A five story office building with 228,277 sq. ft. of administrative office use and two levels of underground parking for 400. vehicles is proposed on this 72,697 sq. ft. site encompassing one block bounded by N. 34th St., Densmore Ave. N., N. Northlake Way, and Woodlawn Ave. N. The site is zoned IC-45, a zone with a 45 foot height limit of an office building and a Floor Area Ratio limit of 2.5.

Vehicular access to the parking garage is proposed to be from Woodlawn Ave. N. and truck loading docks are proposed from N. Northlake Way and from Woodlawn Ave. N. Bicycle and ADA van parking would also be provided as required by codes.

The proposed building plane follows the slope of the site. Due to the sloping of the site, some of the square footage of the building is underground. At the low end of the site along N. Northlake Way, five stories would be above grade. As the site slope up, each story would step back to remain within the zoning envelope; on the high side on N. 34th St, three stories would be above grade. A mechanical penthouse would sit on the roof and slope down the site at no more than 15 feet above the zoning height envelope.

As required in the purchase and sale agreement with King County, the proposal is to provide pedestrian friendly design along street frontages and also a public viewing platform. A public viewing platform is incorporated into the proposal to allow public viewing of the expansive views of Lake Union and Downtown available from the site. A separate entry door off of N. 34th St., dedicated elevator and stairway allow public access to the 1,000 sq. ft. platform independently from building entries.

SITE DESCRIPTION

The proposal site is a sloped full block area at the southern extent of the Wallingford neighborhood of Seattle northwest, across N. Northlake Way, of Gas Works Park and Lake Union. The site rises approximately 36 feet from south to north along the Densmore Ave. N. frontage. Sidewalks and curbs currently exist along all four street frontages of the site used historically as a Chevron petroleum distribution facility. The site is zoned IC 45, a zone which allows office uses with a 45 foot height limit.

SURROUNDING USES

To the east of the site are newly constructed multifamily residential buildings constructed in conjunction with rezoning away from IC to NC2 zoning. To the north is a commercial bakery and a related restaurant use. To the west and southwest are found light industrial uses related to the marine industry and some shipyard uses. Gas Works Park is to the south and southeast.

The Burke-Gilman Trail and N. Northlake Way form the southern boundary of the proposed development site.

ANALYSIS-SEPA

The environmental impacts of the project have been analyzed in an expanded environmental checklist dated December 18, 1988 submitted to the Department of Construction and Land Use and WDOE.

WDOE issued a Determination of Non-Significance (DNS) for the clean-up components of the project, including demolition, grading and shoring work associated with the clean-up activities. The DNS for the clean-up components is final, and is not a part of this decision of the Director.

The City of Seattle is lead agency for the redevelopment component of the project. This SEPA determination covers all permits and approvals related to the redevelopment activity, including the rezone, Design Review, various building and construction related approvals, an Environmentally Critical Areas (ECA) Exemption for steep slopes under SMC 25.09, and an administrative determination for additional height under SMC 23.47.008.

Seattle Municipal Code (SMC) section 25.05.660 provides that all proposals can be conditioned in order to mitigate environmental impacts. All conditions must be related to impacts identified in the environmental documents, based on adopted policies, and be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority.

Disclosure of the potential impacts from this project was made in the environmental documents listed in the SEPA checklist. This information, supplemental information provided by the applicant (plans, written descriptions of the project, environmental documents and analysis), written comments from the community, and the experience of this agency with the review of similar projects, form the basis for this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies and environmental review. Specific policies for specific elements of the environment, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part:

“where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations.)” Under certain limitations (SMC 25.05.665), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary demolition and construction related impacts are expected: temporary soils erosion; decreased air quality due to vehicular emissions, dust and other suspended air particulate; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts warrant further discussion and in some cases mitigation.

Air Quality

Prior to demolition activities, the contractor will provide to WDOE pre-survey documentation of buildings for possible presence of asbestos and lead paint. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing buildings, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 sq. ft. in coverage. No SEPA conditioning of air quality impacts during construction is necessary.

Construction Noise

The proposal site is located in close proximity to multi-family and single family residential building. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction which involve excavation, concrete pouring, pile driving, steel erection

or framing carpentry to between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and from 9:00 A.M. and 5:00 p.m. on Saturdays.

Earth/Drainage

Grading on-site will occur during the cleanup phase and redevelopment phase. Compliance with applicable provisions of the grading and drainage control ordinance will be required. During excavation for the redevelopment component, measures must be taken to avoid surface water run-off impacts and erosion impacts. These measures are required by the Seattle Stormwater, Grading and Drainage Control Code. No conditioning pursuant to SEPA policy authority is necessary.

Pedestrian Circulation

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation within the public right-of-way. Temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Transportation Department. Adequate mitigation is provided for by the Street Use Ordinance if the sidewalk and/or traffic lane is closed. Additional mitigation under SEPA is not warranted. (SMC § SMC 23.05.675 B.f.)

Construction Related Traffic and Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. Parking resources in the area, both on street and off, are well utilized. On street parking in the residential areas north of N. 34th St. are very well used during evening hours and on weekends. During weekdays however many on street spaces in these residential areas open up as people leave for day time employment locations. On weekends parking demand in the industrial areas adjacent is less and some parking opportunity in those areas opens up. Once the parking garage on the site is constructed, it too would be available to meet construction worker parking demand. The garage would be available when the number of construction workers on site is at its highest levels.

Because parking resources would be available in the area during periods of construction activity and because the on site parking garage would be available during periods of peak construction worker generated demand it is deemed unnecessary to condition to lessen short term parking impacts.

Construction related vehicle trips generated during the redevelopment component of the project would exceed the number estimated for the cleanup component. Construction activities generating traffic would include:

- Additional excavation (approximately 9,300 cu. yds. of clean material) to prepare the site for construction of the proposed below-grade parking structure
- Utility connections
- Concrete foundation construction
- Framing, plumbing and electrical installations
- Exterior finish work
- Interior finish work
- Material deliveries associated with each of these activities.

It is projected that peak construction trips would occur during the overlap of exterior and interior finish work, at which time there could be as many as 40 workers on the site each day, and up to 10

material deliveries. This level of activity would generate approximately 100 trips per day (50 inbound and 50 outbound) for a period of about 60 days.

It is the policy of the City to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address transportation impacts during construction. SMC §23.05.675 B(1)(g). Pursuant to this authority the following conditions shall be imposed to help mitigate construction impacts.

1. Contractors must limit construction traffic to avoid PM peak hours of 4:00 to 6:00 on the surrounding street system.
2. Site work would be conducted in a manner that would interfere as little as possible with public travel: vehicular, pedestrian and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) must be managed in accordance with the current City of Seattle “Traffic Control Manual for In-Street Work” and “Manual of Uniform Traffic Control Devices.” In the event that work requires closure of an entire sidewalk or travel lane, a signing plan and traffic control plan must be prepared for approval by the City of Seattle.

Historic and Cultural Preservation

A cultural resources review of the site was completed by ENTRIX, Inc that included research of available historic records. Review of these materials by City staff in the Office of Urban Conservation has led them to the conclusion that the existing structures are unlikely to meet the criteria for designation as a City of Seattle Historic Landmark.

Research in the immediate area has indicated that it is not probable that significant archeological resources would be discovered during proposed excavations. However, because of the proposed site’s proximity to Lake Union, there is a possibility that unknown resources could be discovered during excavation. Therefore, consistent with DCLU Director’s Rule 2-98 on SEPA Environmental Review and Archaeological Resources, and in order to ensure no adverse impact would occur to an inadvertently discovered archaeological significant resource, the following conditions of permit approval are applied to the project.

1. Prior to issuance of the Excavation, Shoring, or Building Permits, the owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors would include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews be required to comply with these regulations.
2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Scott Kemp, 206-233-3866) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (Robert Whitlam, 1-360-407-0771). The procedures outlined in Appendix A of Director’s Rule 2-98 for Assessment and/or protection of potentially significant archeological resources shall be followed.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW and Chapters 25.48 WAC, as applicable.

Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased disturbance of ground water flows, stormwater impacts to nearby Lake Union, increased traffic and parking, building height, bulk and scale, demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Many of long-term impacts will be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); Stormwater, Grading and Drainage Control Ordinance; Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); Building Code (construction measures in general); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below.

Water Quality/Drainage

The site is not within the Shoreline district. Upon completion of the project, the site would be mostly covered by roofs and paved surfaces in the completed development. All vehicle parking would be provided in an underground parking garage. Therefore, areas exposed to vehicular traffic and subject to precipitation would be limited to the driveway apron. Stormwater from impervious surfaces would be collected in catch basins and roof drains, and tight-lined to the municipal storm drainage collection system in adjacent streets. City of Seattle sewer cards indicate that stormwater from the site vicinity is conveyed to Lake Union. Stormwater detention would not be required if the drainage system were connected to the City's direct-discharge pipe to Lake Union. CAP implementation as presently proposed would result in a site that meets MTCA residential soil quality criteria, eliminating all potential contaminant migration pathways. Therefore, no waste materials would enter ground or surface waters following the cleanup action. Stormwater runoff from the completed development would be from "clean" surfaces (i.e., not exposed to vehicular traffic); therefore, no water quality treatment would be required.

Long-term impacts related to water quality and drainage are not considered significant and warrant no mitigation. (SMC §23.05.675 C, S).

Environmental Health

The Cleanup Action Plan proposed by the applicants would effectively remove the potential for exposure to all known environmental health hazards on the site. No exposure pathways would remain on the redeveloped site. The redevelopment proposal includes constructing an underground parking garage. This structure would provide an additional buffer between residential and commercial site users and the former location of site contaminants.

WDOE has acted as lead agency for the clean-up aspect of the proposal. Long-term impacts to environmental health are not considered significant adverse impacts. No additional SEPA mitigation measures are warranted here. (SMC §23.05.675 F.)

Height, Bulk and Scale

The proposed building would conform to the 45 foot height limit of the zoning envelope. It would “step down” the hill following topography. It would, as proposed, have elements of building form such as modulations, plaza setbacks and changing façade treatments. Existing residential buildings to the east are of a similar height. Potential height of new development to the west to the north could be of a similar height. All nearby uses are separated by a street right-of-way from the proposal. Mitigation of height, bulk and scale impacts through SEPA policy authority is not warranted.

Public View Protection

The City’s SEPA policies protect public views from designated public places. Private views are not protected (SMC 25.05.675 P). Both N. Northlake Way and N. 34th St. are designated as scenic routes from which views of significant natural and human-made features, including Mt. Rainier and downtown, are protected. Because the proposal site is north of N. Northlake Way it would not affect views from that street. Even a single level of development on the site would block views across it from N. 34th St. Views south, down the Densmore Ave. N. and Woodlawn Ave. N. right-of-ways would remain. The mixed use building recently constructed at 3333 Wallingford Ave. N., across Densmore Ave. N. from the proposal site incorporated building setbacks from the east and west property lines as a measure to preserve view corridors in the north/south direction along street right-of-ways. Similarly the condominium building known as the Regatta occupying the southern approximately two thirds of the block to the east of the proposal site steps back in horizontal increments as it rises in elevation in a response to the need to protect view corridors along the north south avenues between N. 34th St. and Lake Union with Downtown and Mt. Rainier to the south. These two projects each set back 20 feet from street facing property lines of adjacent north/south Avenues in response to the need to preserve SEPA protected views. In each case SEPA conditions were imposed to require these setbacks. The situation in this instance is nearly identical to the other two and SEPA authority will be used to require twenty foot building setbacks from both the Densmore Ave. N. and the Woodlawn Ave. N. property lines.

Traffic and Transportation

A Transportation Impact Analysis for the proposal dated December 7, 2006 (Traffic Study) and a Memorandum with further information, both by Heffron Transportation, Inc., are each part of the environmental documentation supplied by the applicants. Compared to the existing use of the site, the new use is predicted to generate a net increase of 1,700 daily vehicle trips, 242 of them in the p.m. peak hour of traffic on surrounding roadways. The Traffic Study predicts very small increases in the amount of delay at the six signalized intersections studied; the largest increase being at the intersection of N. 35th St. and Stone Ave. N. where delay is predicted to increase from 24 to 29.7 seconds per vehicle. None of these signalized intersections would experience a drop in graded Level of Service (LOS) and all would remain at D or above. The two unsignalized intersections adjacent to the proposal site on N. 34th St. were also studied and one, the intersection of N. 34th St. and Woodlawn Ave. N., is predicted to drop from LOS C to D with average vehicle delay increasing from 15.7 to 26 seconds.

No measures to mitigate traffic impacts were identified by the Traffic Study. There will be added vehicle trips on area roads and these roads, especially along major transportation corridors, are becoming increasingly congested. Implementation of a Transportation Management Plan would likely be of some effect in reducing the number of vehicle trips to and from the site and the project will be conditioned pursuant to SEPA policy authority to require such implementation to help mitigate both traffic and parking impacts of the proposed project.

Parking

The Traffic Study predicts peak parking demand for the proposal to be 503 spaces if the building is occupied by general office use (administrative office in the Seattle Land Use Code) and 388 vehicles if it is occupied by research and development use. The use proposed to be established under this application is administrative office. If the resulting project does become 100% administrative office it is predicted there would be a spillover of 98 vehicles from the site. This amount of increased, predominantly daytime parking in the immediate are of a the proposal site would have a long term negative impact on parking availability and reasonable measures should be taken to limit this impact. The parking study identifies the percentages of single occupancy vehicle use at which on site parking would be fully used as 53% for office use and 66% for research and development uses.

SEPA policy authority will be used to require implementation of Transportation Management Plan (TMP) for the users of the proposed building. This TMP will be approved by DPD prior to issuance of any Certificate of Occupancy for the new building. The TMP will be developed and maintained pursuant to the laws and regulations applicable to such plans which are currently described in Director's Rule 14-2002. The goal of the TMP shall be a Single Occupancy Vehicle Rate (SOV) of 53% for office uses and 66% for research and development uses. These percentages shall be applied on a prorated basis to a mix of the two uses.

DECISION - SEPA

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

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction

personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit periods of construction which involves excavation, concrete pouring, steel erection or framing carpentry to between 7:00 A.M. and 6:00 P.M. on weekdays and to between 9:00 A.M. and 5:00 p.m. on Saturdays.

The Department recognizes there may be occasions when construction activities of a critical nature, related to safety or traffic or construction process issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions. Such work must be approved by the Department on a case-by-case basis prior to it taking place.

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DCLU (scott.kemp@seattle.gov) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (360 407-0771). The procedures outlined in Appendix A of Director's Rule 2-98 for Assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW and Chapters 25.48 WAC, as applicable.
3. The contractor shall provide documentation or certification to DCLU that the free-draining material to be imported is clean (not contaminated).

Prior To Issuance of Construction Permits

4. Horizontal and vertical setbacks present in the proposed building as shown in plans on file at DPD serve a SEPA view impact mitigation function, the project is also conditioned pursuant to SEPA policies to require twenty foot building setbacks from both the Densmore Ave. N. and the Woodlawn Ave. N. property lines.
5. The Burke Gilman Trail segment past the proposal site shall be improved in a configuration approved by DPD in consultation with SDOT.

Prior to Issuance of Certificate of Occupancy and for Life to Project

6. A Transportation Management Plan (TMP) shall be implemented for the users of the proposed building. This TMP will be approved by DPD prior to issuance of any Certificate

of Occupancy for the new building. The TMP will be developed and maintained pursuant to the laws and regulations applicable to such plans which are currently described in Director's Rule 14-2002. The goal of the TMP shall be a Single Occupancy Vehicle Rate (SOV) of 53% for office uses and 66% for research and development uses. These percentages shall be applied on a prorated basis to a mix of the two uses.

Signature: _____ (signature on file) _____ Date: December 17, 2007

Scott Kemp,
Senior Land Use Planning and Development Analyst
Department of Design Construction and Land Use

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